NATIONAL INSURANCE LAW, 1983

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PEOPLE'S LAW NO. 14 OF 1983

PROCLAMATION

BY THE

PEOPLE'S REVOLUTIONARY GOVERNMENT

A LAW to establish a National Insurance Scheme through the collection of contributions and other income, and for the payment of various benefits including, Sickness, Invalidity, Maternity, Survivors', Age and Funeral; to establish a National Insurance Fund; to take over and manage in accordance with the provisions of this Law the Provident Fund established under the Provident Fund (Agricultural Workers) Act, 1969; to enable reciprocal arrangements to be made with foreign governments with regard to the aforementioned benefits; and for purposes connected therewith or incidental thereto.

(Gazetted 18th March, 1983)

In the exercise of the powers vested in the People's Revolutionary Government by People's Law No. 2, 1979 (Establishment of People's Revolutionary Government) and in exercise of the powers vested in the Prime Minister by People's Law No. 10, 1979 (Declaration and Effect of Laws) it is hereby ORDERED and PROCLAIMED as follows:

PART 1

PRELIMINARY

1. — This Law may be cited as the

Short title and commencement.

NATIONAL INSURANCE LAW, 1983

and shall come into operation on such day or days as may be appointed by the Minister by Notice in the *Gazette*, and different days may be so appointed in respect of different Parts or sections of the Law.

2. — In this Law —

Interpretation.

"Appointed Day" means a day appointed under section 1;

"beneficiary" means a person entitled to a benefit or to whom a benefit is payable under this Law;

- "benefit" includes any benefit, grant, or pension payable under this Law;
- "the Board" means the National Insurance Board established by section 4 of this Law;
- "business" includes a profession, calling, trade, manufacture, adventure or concern in the nature of trade and an undertaking of any kind whatever; but does not include an office or employment;
- "Chairman" means the Chairman of the Board or Investment Committee as the context requires;
- "child" in relation to an insured person, includes a stepchild, an adopted child and any other child whether born in or out of wedlock under the age of sixteen living at the home of an insured person and wholly or partly maintained by him;
- "claimant" means a person claiming a benefit under this Law;
- "contribution" means the contribution of the employee or employer as the case may be, payable under this Law;
- "contribution period" means-
 - in respect of an employee paid at intervals of a week or less, the week in which wages are paid;
 - (b) in respect of an employee paid at intervals of more than one week but not more than a fortnight ending with the last day of the week in which wages are paid;
 - in respect of an employee paid at intervals of more than a fortnight, the month in which wages are paid;
- "contributor" means a person who has made a prescribed contribution pursuant to the provisions of this Law;
- "the Director" means the person charged with the responsibility
 of administering this Law or any person appointed to act in
 his place;

- "deduct" includes withhold;
- "earnings"include wages, salaries and any other remuneration or profit derived from employment and "earner" shall be construed accordingly;
- "employer" means the person or body corporate with whom an employee has entered into a contract of service or apprenticeship, expressed or implied, whereby such person or body corporate is liable to pay salary, wages or other remuneration for services performed by the employee;
- "financial year" means the period of 52 or 53 weeks beginning with the first Monday in any calendar year after 1983 and ending on the Sunday immediately before the first Monday of the succeeding calendar year but in relation to 1983 it means the period beginning with the first Monday occurring on or after the Appointed Day and ending on the Sunday immediately before the first Monday occurring on or after the Appointed Day and ending on the Sunday immediately before the first Monday of 1984;
- "the Fund" means the National Insurance Fund established by section 3;
- "functions" include powers and duties:
- "incapacity for work" means incapacity to engage in gainful occupation by reason of some specific disease or bodily or mental disablement;
- "inspector" means any person appointed by the Board to perform the functions of an inspector under this Law;
- "insurable employment" means any employment except such employment as is exempt under this Law;
- "insured person" means a person registered and insured for any benefit payable under this Law;
- "Investment Committee" means the Investment Committee established under section 18;

- "long term benefit" includes age, invalidity, and survivors' benefit and any other benefit prescribed as such;
- "Minister" means the Minister for the time being charged with responsibility for Social Security;
- "National Insurance card" means a National Insurance Registration card duly numbered and issued to or in respect of an insured person; or a card substituted therefor;
- "National Insurance number" means the National Insurance number assigned to an insured person under this Law;
- "pensionable age" means the age of 60;
- "prescribed" means prescribed by this Law or by a statutory instrument made thereunder;
- "Provident Fund" means the Provident Fund established under the Provident Fund (Agricultural Workers) Act. 1969;
- "Provident Fund Board" has the same meaning as in the Provident Fund (Agricultural Workers) Act, 1969;
- "Public Service pension scheme" means any pension or provision for the pension of any member of the civil service or of any statutory body whether contributory or not;
- "salary" has the same meaning as wages;
- "short term benefit" includes sickness and maternity benefit, and any other benefit prescribed as such;
- "survivor" means any person who on the death of an insured person may be entitled to a survivors' benefit under this Law;
- "wages" means remuneration in money paid to an employee under a contract of service or apprenticeship as the case may be, and whether or not agreed to be paid at fixed or determined intervals of time in respect of—
 - (a) fixed periods of work to be performed by the employee; or

- (b) the number of tasks completed by the employee where payment is calculated in relation to any tasks; or
- (c) the volume completed by an employee, where payment is calculated in relation to the volume of work done; and

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

"work" includes piece work.

PART II

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

3. — (1) There shall be established a Fund to be called the National Establishment Insurance Fund into which shall be paid—

of National Insurance Fund

- (a) all contributions;
- (b) all rents, interest, dividends or other income derived from the assets of the Fund:
- (c) all sums recovered under this Law or any regulations made thereunder as fines, fees, penalties, surcharges or costs;
- (d) all sums properly accruing to the Fund under this Law, including the repayment of benefits;
- (e) such other sums as may be provided by Cabinet for the purposes of this Law or as may be received and accepted by the Board on behalf of the Fund;
- (f) all assets and all other funds held in trust or otherwise by the Provident Fund Board at the Appointed Day;
- (2) There shall be paid out of the Fund—
- (a) all benefits;

- (b) refunds of contributions;
- (c) all salaries rents expenses and allowances properly incurred in the administration of this law;
- (d) all liabilities incurred by the Provident Fund Board;
- (e) any expenditure considered by the Board to be necessary for the training or welfare of their officers or employees;
- (f) any sums expended for carrying out any surveys or research for the purpose of gathering any data which the Board considers necessary for the performance of their functions under the Law;
- (g) any fees subscriptions or sums for membership, affiliation or contribution to or in any local, regional or international body concerned with national insurance;
- (h) all other moneys which the Board may consider to be reasonable and necessary for the proper and efficient performance of their functions;
- (i) any other payments authorised under this Law.

Establishment of National Insurance Board.

- 4.—(1) There shall be established for the purposes of this law a Board to be called the National Insurance Board in which the Fund shall be vested, and which shall be responsible for administering the Fund in accordance with this Law and the provisions of the First Schedule to this Law shall have effect as regards the constitution and proceedings of the Board.
- (2) The Board shall as from the Appointed Day take over, manage, maintain and discharge all assets, liabilities and obligations, including all actionable claims held or incurred by the Provident Fund Board.
- (3) The Board will be a body corporate with perpetual succession and a common seal and shall in their corporate name be capable of entering into contracts, of suing and of being sued, of purchasing or otherwise acquiring, holding, leasing, charging, alienating real or personal

property, of lending or borrowing money, and of doing or performing all such acts as bodies corporate may by law do or perform.

- (4) The Board shall have a Head Office in the City of St. George's and may establish other offices within the State as they consider desirable.
- (5) Service on the Board of any notice, order or other document shall be executed by delivering or by sending the same by registered post, addressed to the Director at the Head Office of the Board.
- (6) All deeds and agreements relating to the property, assets or moneys of the Fund shall be signed and sealed by the Board pursuant to a resolution and shall be authenticated by the signature of the Chairman and Director or of such other person as the Board may appoint.
- (7) The seal of the Board shall be kept in the custody of the Director and shall not be affixed to any instrument except by a resolution of the Board, and the sealing of any instrument shall be authenticated, in the manner described in the preceding subsection.
- (8) The members of the Board shall be paid out of the Fund, such remuneration, expenses and allowances as the Minister may, from time to time approve.
- 5.— (1) The Board shall consider and advise the Minister upon all matters from time to time referred to them by him and shall give him such information as he may reasonably require regarding the operations of the Board.

Minister's powers and Board's duty to give advice and submit annual reports to him.

- (2) The Minister may give to the Board such general written directions with regard to the Board's functions under this Law as appear to him to be requisite in the public interest and the Board shall give effect to any such directions.
- (3) The Board shall render annual reports to the Minister who shall, as soon as possible thereafter, lay a copy before Cabinet.
- 6.— (1) The Board may appoint a committee to examine and report to Committees of the Board on any matter arising out of any of their functions under this Law. the Board.

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

Validity of Board's actions and protection of members.

- 7.— (1) The validity of any act done or proceedings taken under this Law shall not be questioned on the ground of—
 - (a) the existence of any vacancy in the membership, or of any defect in the constitution of the Board; or
 - (b) the contravention by a member of the Board of the provisions of paragraph 15 and 16 of the first Schedule hereto; or
 - (c) any omission, defect or irregularity not affecting the merits of any act done by the Board.
- (2) No personal liability shall attach to any member of the Board in respect of anything done or omitted in good faith under the provisions of this Law; and any sum of money, damages or costs which may be recovered against any such member in respect of any act or thing done or omitted bona fide under this Law shall be paid out of the Fund.

Power of the Board to provide for all matters of administration.

8.— Subject to the provisions of this Law the Board shall have power to provide for all matters of administration and procedure in the exercise of their functions under the Law.

Appointment, duties and power of Director.

9.— (1) The Board shall, with the approval of the Minister appoint on such terms and conditions as it sees fit, a fit and proper person to be the Director of the Fund, who shall be the Chief Administrative Officer of the Fund and who shall, subject to the provision of this law, and the general

direction of the Board, be responsible for the management of the staff of the Board and for the administration of the Fund and in particular—

- (a) the assessment of contributions under this Law and for the collection and payment of contributions and other moneys into the Fund;
- (b) the payment out of the Fund of the various benefits under this Law, and of the expenditure necessary for the proper administration of the Fund;
- (c) accounting for all moneys collected, paid or invested under this Law;
- (d) the investment of surplus moneys in the Fund as directed from time to time by the Investment Committee.
- (2) The Director may, in relation to any matter or class of matters under this Law, by writing under his hand delegate to any employee of the Board any of his functions under this Law except his power of delegation under this section.
- (3) Every delegation under this section shall be revocable at any time and shall not prevent the performance by the Director of any such delegated function.
- 10.—(1) For inability to exercise the functions of his office (whether arising from infirmity of mind or body or from any other cause) or for misconduct, the Board may with the approval of the Minister, terminate the appointment of the Director.

Termination of Director's appointment and resignation.

- (2) The Director may resign his office by giving the Board three months notice in writing or such shorter notice as the Board may in their discretion agree to accept, of his intention so to do and at the expiration of such period, he shall be deemed to have resigned his office.
- 11.—(1) The Board may appoint a fit and proper person to be Deputy Director. Director.
- (2) The Deputy Director shall assist the Director in the performance of his duties under this Law.

- (3) On the occurrence of a vacancy in the office of Director (whether caused by death, resignation or otherwise) and in the case of illness, absence or temporary incapacity of the Director (from whatever cause arising) and so long as such vacancy, illness, absence or temporary incapacity continues, the Deputy Director shall have and exercise all the functions of the Director.
- (4) Where the Deputy Director exercises any function as aforesaid it shall be sufficient evidence of his authority so to do and no person shall be concerned to inquire whether the occasion has arisen requiring or authorising him to do so.

Board to appoint Secretary.

- 12.—(1) The Board shall appoint a fit and proper person to be Secretary to the Board.
- (2) The Secretary shall perform such duties as may be assigned to him from time to time by the Board.

Inspectors.

- 13.—(1) The Board may appoint or designate such officers in its service as they think fit to be inspectors for the purposes of this Law.
- (2) The Director and the Deputy Director shall have power of, and perform the functions of an inspector.
- (3) Every inspector shall be furnished with an identification card and on entering any premises or place of business for the purpose of this Law, shall produce this identification card.
- (4) An inspector shall, for the purposes of this Law, have power to do all or any of the following-
 - (a) to enter at all reasonable hours any premises or place where he has reasonable grounds for supposing that any persons are employed;
 - (b) to make such examination, inspection, and inquiry as may be necessary for ascertaining whether the provisions of this Law are being or have been complied with in any such premises or places;
 - (c) to require the production of any document relating to contributions or liability to make contributions;

- (d) to examine either alone or in the presence of any other person as he thinks fit, with respect to any matters under this Law. every person whom he finds in any such premises or places or whom he has reasonable cause to believe can give information regarding the subject matter of the enquiry (and require such person to be examined), and for the purpose of such examination may summon any such person to attend at a given time at any office of the Board;
- (5) The occupier of any such premises or place liable to inspection under this section and any other person who is or has been employing any person and the servants or agents of any such occupier or other person and any employed person shall furnish to an inspector all such information and shall produce for inspection all such documents as the inspector may reasonably require for the purpose of ascertaining whether contributions are payable or have been duly paid by or in respect of any person or whether any benefit is or was payable to or in respect of any person.
- (6) No person shall be required under this section to answer questions or give evidence tending to incriminate himself.
- 14.—(1) The Director may from time to time, with the approval of the Appointment of Board, appoint on such terms and conditions as he sees fit such other officers as are necessary for the administration of this Law.

other Officers.

- (2) Every person appointed under this section shall perform such duties as may be assigned to him from time to time by the Director.
- 15.—The Board may appoint upon such terms and conditions as they consider fit, a legal adviser, a medical officer and any other advisor or person whom the Board consider necessary for the purposes of this Law.

Appointment of Legal, Medical and other Advisers.

16.—(1) With the approval of the Public Service Commission any officer of the Public Service may be transferred to the service of the Board and vice versa.

Transfers from the Public Service and Statutory Bodies.

- (2) The Board may approve the transfer of any officer in their service to the service of any other statutory authority and vice versa.
- (3) Where a transfer has been approved under this section, arrangements shall be made by the Minister of Finance, the Board or the statutory body as the case may be, to pay to the body providing the service of such

officer, such contributions as may be provided for by regulations or otherwise in respect of pensions and gratuities and any such Regulations may provide for different categories of officers.

- (4) When an officer of the Board is on transfer from the Public Service, the Board shall Make arrangements with the Government for the preservation of the pension rights of such officers.
- (5) Arrangements made under the preceding subsection shall in appropriate cases include the payment from the Fund into the general revenue of the State such amounts as in the opinion of the Minister of Finance approximately represent the accruing liability for the sums which will become payable out of moneys provided by the Cabinet for the relevant pension benefits.
- (6) For the purpose of the Pensions Ordinance (Cap. 214) service with the Board shall be deemed to be "other public service" as though the Board were one of the Scheduled Governments Listed in Schedule 4 to the Pension Regulations.

Declaration of secrecy.

17.—Every person employed or having any official duty under this Law shall regard and deal with all documents and information pertaining in any manner to the affairs of the Fund and the Board as secret and confidential and shall, if so required by the Board, make and subscribe to a declaration of secrecy in the form prescribed.

PART III

FINANCE

Investment Committee.

- 18.—(1) There shall be for the purposes of this Law an Investment Committee which shall consist of five members to be appointed by the Minister as follows—
 - (a) an officer of the Ministry of Finance nominated by the Minister of Finance, which officer shall be appointed Chairman;
 - (b) a member of the Board other than the Director;

- (c) two other members, who appear to the Minister to be experienced in finance, accountancy, business administration, industrial relations or other related subjects, one of whom shall represent the employers; and
- (d) the Director.
- (2) The Investment Committee shall have a quorum of three members and the Secretary of the Board shall be the Secretary of the Investment Committee and shall keep adequate records of the decisions made.
- (3) The Investment Committee shall meet at such times and places as the Chairman shall appoint, or upon the request of any two members thereof.
- (4) The Investment Committee shall appoint their own Deputy Chairman and regulate the procedure at their meetings.
- (5) The members of the Investment Committee shall hold office for a term not exceeding three years and shall be eligible for re-appointment.
- (6) In the absence of the Director the Deputy Director shall attend any meeting and in such a case he shall be deemed to be a member of the Investment Committee.
- 19.—(1) The Investment Committee shall have power to give from time Investment of to time general or specific directions to the Director, subject to the concur- surplus moneys. rence of the Board, on the investment of moneys in the Fund which are surplus to current needs; and the Director shall give to the Investment Committee any information necessary for the proper discharge of their functions.

- (2) The surplus moneys in the Fund may be invested in any of the following-
 - (a) the acquisition of land;
 - (b) the purchase or construction of buildings;
 - (c) loans;

- (d) government bonds and securities;
- (e) shares and debentures in bodies corporate;
- (f) Bank deposits.
- (3) The Investment Committee shall submit to the Board at the end of every quarter a report of its activities over the preceding quarter.
- (4) Any temporary insufficiency in the assets of the Fund to meet the liabilities of the Fund shall be advanced out of the Consolidated Fund
- (5) Subject to the provisions of this Law, any sums advanced under subsection (4) shall be repaid to the consolidated Fund as soon as may be practicable.

Accounts and financial statements.

- 20.—(1) The Board shall cause to be kept proper books of accounts and other books and records in relation thereto in which shall be recorded all financial transactions of the Fund:
- (2) The accounts of the Fund shall be prepared in accordance with generally accepted accounting principles and shall be audited annually by professional auditors appointed by the Board.
- (3) As soon as practicable after the end of the financial year, the Director shall submit to the Board a report of the following in respect of the financial year—
 - (a) an account of the income and expenditure of the Fund;
 - (b) an account of contributions received and benefits paid;
 - (c) a statement of assets and liabilities of the Fund;
 - (d) a statement of account of the securities in which moneys forming part of the Fund are invested;
 - (e) the auditors report and recommendations;
 - (f) a statement of the adequacy or otherwise of the Fund as determined in the latest actuarial review.

- (4) Not later than two months prior to the end of the financial year, the Director shall submit to the Board, estimates of the Board's expenditure for the succeeding financial year.
- 21.—The Board shall submit to the Minister a copy of the accounts and Board to submit reports pursuant to the preceding section, together with a report by the Chairman of the activities of the Board for the same period, and the Minister shall as soon as possible thereafter, lay the same before Cabinet, who shall, Cabinet after approval, cause such Report and Accounts to be published in the Gazette and in a newspaper published and in circulation in Grenada.

financial statements for laying before

22.—(1) The Board shall, with the assistance of an actuary approved by the Minister, review the operations of this Law at the end of 1985 and thereafter not later than the end of every third year, and in such review, make a report to the Minister on the financial condition of the Fund and the adequacy or otherwise of the contributions payable under the Law to support the benefits payable thereunder, having regard to their other liabilities under this Law.

Actuarial review.

- (2) The Minister shall, as soon as possible after receiving any report made in pursuance of the preceding subsection, lay a copy thereof before Cabinet.
- 23.—(1) Subject to the approval of the Minister of Finance the Board may borrow money for any of its functions under this Law.

Approval and guarantee for borrowing.

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

PART IV

INSURED PERSONS AND CONTRIBUTIONS

- 24.—(1) Subject to the provisions of this Law every person who after the Person Insured. Appointed Day-
 - (a) is between the ages of sixteen and sixty;

- (b) is engaged in insurable employment;
- (c) is registered in the prescribed manner under this Law;
 - (i) has fulfilled such conditions as may be prescribed as to domicile or residence in Grenada; or
 - (ii) is in employment outside Grenada under such conditions as shall be prescribed;
- (d) is not engaged in employment which is exempted under this Law,

shall be an insured person in respect of the several contingencies in relation to which benefits are provided under this Law and shall remain so insured until he satisfies the conditions for retirement.

- (2) Every person who on the Appointed Day was a member of the Provident Fund, shall be an insured person under this Law.
 - (3) Regulations may provide for-
 - (a) Treating as insurable employment—
 - (i) any category of employment which, though not employment under a contract of service is subject to such conditions as to make it similar to employment under a contract of service;
 - (ii) any employment outside Grenada in continuation of any insurable employment;
 - (iii) employment outside Grenada of a person domiciled or having a place or residence in Grenada, being employed as a member of the diplomatic or consular service of Grenada or as a domestic worker employed by a member of such service;
 - (b) treating as not being insurable employment or for disregarding—
 - (i) employment which is of a subsidiary nature or in which

- the person concerned is engaged only to an inconsiderable extent:
- (ii) employment as a relative or partner in the service of or for the purpose of trade or business, of the employer or person concerned:
- (iii) employment by a relative in the common home of an employer;
- (iv) such employment in the service of, or in the service of a person employed with such international organisations or countries (other than Grenada) as may be prescribed;
- (c) for treating a person's employment as continuing during periods of holiday, incapacity for work or such other circumstances as may be prescribed.
- 25.—(1) Regulations may provide for treating as an insured person Insurance of under this Law-

self-employed persons, etc;

- (a) a person under sixteen years of age;
- (b) a person over sixty years of age;
- (c) a self-employed person;
- (d) a person who though not liable under this Law to pay contributions, wishes to do so voluntarily.
- (2) Any such Regulations may provide for such modifications of the provisions of this Law as may be necessary for the purpose of giving effect to this section.
 - 26.—(1) Contributions shall, subject to the provisions of this Law be payable by both employers and insured persons.

Liability to make deductions and contributions.

(2) From and after the Appointed Day, every employer shall make deductions from the wages of every insured person employed by him for the relevant contribution period and shall also make a contribution in respect of such wages in such manner as may be specified by regulations made under this Law.

Exemptions from liability to make contribution; 27.—Nothing contained in the preceding section shall be deemed to impose any liability on any employer to make payments into the Fund in respect of any employee included in any of the categories listed in the Second Schedule to this Law.

Minister may make regulations for contributions and exemptions;

- 28.—The Minister may by Regulations provide for—
 - (a) the fixing from time to time of the rates of contributions to be paid by insured persons and employers, including the rates of contributions to be paid by such different categories of insured persons and employers as prescribed:

Provided that no variation of the total rate of contributions payable shall be made without prior consultation with an actuary;

- (b) exempting insured persons and their employers from liability to pay contributions for such periods as he deems fit and without prejudice to the generality of the foregoing, for periods—
 - (i) of incapacity for work; or
 - (ii) of full time unpaid apprenticeship.
- (c) crediting contributions to insured persons for periods for which such persons are exempted under the preceding paragraph.

When insured person works under general control of person not his immediate employer.

- 29.—(1) Where an insured person works under the general control and management of a person who is not his immediate employer, that person (referred to hereafter in this section as "the principal employer") shall be deemed to be the employer for the purpose of the Law, and the immediate employer shall furnish the principal employer with such particulars of the insured person's earnings as may be necessary to enable the principal employer to comply with the provisions of this Law.
- (2) If the insured person's earnings are actually paid to him by the immediate employer—

- (a) the immediate employer shall notify the principal employer of the earnings to be paid and the immediate employer shall be notified by the principal employer of the amount of contributions which may be deducted when such earnings are paid to the insured person, and the immediate employer may deduct the amount so notified to him; and
- (b) the principal employer may make a corresponding deduction on making to the immediate employer the payment out of which the said earnings will be paid.
- 30.—(1) Subject to the provisions of this Law any deductions from Deduction from wages shall be made at the time when the wages are paid to an employee.

wages.

- (2) Subject to such conditions as may be prescribed from time to time, where for any reason the employer fails to deduct an employee's contributions at the time of payment of such wages, he may, within six months thereafter, make any deductions in one amount, or by instalments as the employee may agree, in respect of the amount which was omitted to be deducted.
- (3) Where an employee dies during a contribution period, a contribution shall be payable from his wages and by his employer on the basis of his actual earnings during that contribution period.
- (4) Where an employer deducts contributions from the wages of employees under this section, the contribution shall be deemed to be held by the employer in trust for the purpose of this Law, and the failure of the employer to pay the contributions to the Fund shall be an offence under this Law.
- (5) Nothing in this section shall be construed as an authorisation to an employer to deduct or recover the employer's contribution from the wages of any employee, and notwithstanding any contract to the contrary any such deduction or recovery by an employer shall be an offence under this Law.
- (6) Nothing contained in the Protection of Wages Act, 1973, or in any other enactment, shall affect any deduction from the wages of an employee under this Law.
 - 31.—(1) Subject to the provisions of this Law, every employer shall, as contributions

Payment of

from the Appointed Day, pay to the Fund in respect of each of his employees at the end of each contribution period, as contributions for the relevant period, the several amounts for employees and employees set out in the Collection of Contributions Regulations.

(2) Except where Regulations otherwise provide, an employer, liable to make deductions and to pay contributions in respect of the wages of an insured person employed by him, shall be liable to pay into the fund on behalf of such person any deductions and contributions payable in respect of such person for the relevant contribution period and for the purposes of this Law, any contributions so paid by an employer on behalf of such person shall be deemed to be contributions paid by such person.

Surcharge for late payment.

- 32.—(1) Where any payments required to be made by an employer in accordance with section 31(2) are not paid within the time prescribed, the employer shall be liable to pay a surcharge on the total amount of contribution not paid to the Fund at the rate of ten percent (10%), in addition to an interest charge of one percent (1%) of the total amount, in respect of each month or part of a month after the expiration of the date when payment should have been made.
- (2) Notwithstanding the provisions of subsection (1) of this section, the Board may in any case in which they think fit, remit in whole or in part, the payment of any surcharge due under the provisions of this Law.

Crediting of unpaid Contributions. 33.—Where an employer fails to pay any contributions which he is required to pay under the provisions of this Law, the Board, if satisfied that such failure was not due to the consent or connivance of the employee may, for the purpose of the right to any benefit treat as having been paid on the due date the amount of the contributions which should have been paid in respect of that employee:

Provided that nothing in this section shall prejudice the right of the Board to recover the amount of such contributions together with any surcharge due under this Law from the employer, and any such amount shall be recoverable as a debt owing by the employer to the Fund and when so recovered shall be credited to the general revenue of the Fund.

Employment by more than one employer.

34.—(1) Where an employee is employed successively or concurrently in a contribution period by more than one employer, each employer

shall be liable to pay, to the Fund, contributions with respect to the wages paid by him to the employee.

- (2) Where an employed person has two or more contributions deducted from his wages for the same contribution period and the sum total of those contributions exceed the maximum payable under the Law, that person is entitled to have the excess of those contributions refunded.
- 35.—Nothing contained herein shall relieve an employer from his Contributions obligation to pay any salary to an employee who is in receipt of a benefit under this Law, where the employee's wage agreement provides for such payment during the periods of incapacity for work.

and other payments where benefit drawn.

36.—(1) Subject to the provisions of this Law, no contribution to the Fund, nor any benefits paid or payable out of the Fund, nor any rights of any insured person shall be assigned or transferable or liable to be attached, seized, sequestrated or levied upon for or in respect of any debt or claim whatsoever and any security or pledge or assignment given before or after the coming into force of this Law in respect of contributions paid by or benefits due to an insured person shall be void.

Contributions or benefits to be inalienable.

- (2) The bankruptcy of an employee or employer shall not affect the deductions of contributions due under the provisions of this Law.
 - 37.—(1) Regulations may provide for—
 - (a) the registration of employers and employees;
 - (b) the issue of National Insurance Cards, their substitution and Numbers;
 - (c) the payment and collection of contributions;
 - (d) treating, for the purpose of any right to benefit, contributions paid after the due dates as paid on such dates as may be prescribed or as not having been paid;
 - (e) treating for the purpose of any right to benefit, contributions payable by an employer on behalf of an insured person as paid,

Regulations relating to registration. payment and collection of contributions. where the failure to pay is shown not to have been with the consent or connivance of or attributable to any negligence on the part of such persons.

- (f) for the return of contributions;
- (g) the maintenance by the employers of records of the payment of contributions;
- (h) treating any prescribed person as the employer where an insured person works under the general control or management of some person other than his immediate employer, including the adjustment of any rights or liabilities amongst the prescribed employer, the immediate or other employer and the insured person;
- for any other matters incidental to the collection and payment of contributions under this Law.

Contributions exempt from income tax. 38.— Contributions paid under this Law by employees and employers shall be allowable deductions under the Income Tax Law, 1980, or any enactment replacing the same.

PART V

BENEFITS

Benefits

- 39.—Subject to section 42 benefits shall be of the following descriptions namely
 - (a) sickness benefit;
 - (b) invalidity benefit, comprising—
 - (i) invalidity pension;
 - (ii) invalidity grant;
 - (c) maternity benefit;

- (d) survivors' benefit comprising—
 - (i) survivors' pension;
 - (ii) survivors' grant
- (e) age benefit comprising—
 - (i) age pension;
 - (ii) age grant;
- funeral grant. **(f)**
- 40.—(1) Entitlement to any of the benefits payable under this Law shall Entitlement to be dependent upon the fulfilment of the prescribed conditions, including benefits. payment of the prescribed contributions.

- (2) In respect of persons insured by virtue of the provisions of section 24(2) of this Law, the prescribed conditions relating to age and invalidity benefits shall be deemed to have commenced as from their date of membership under the Provident Fund (Agricultural Workers) Act, 1969.
- (3) Except where Regulations provide otherwise, an insured person shall not be entitled to more than one benefit at any one time.
- 41.—Regulations may provide for crediting contributions to an insured person during the period such a person is in receipt of a short-term benefit, to enable him to satisfy the prescribed conditions for entitlement to any benefit at a later or subsequent date.

Contribution credits during receipt of shortterm benefit.

42.—Regulations may provide that in addition to the kinds of benefits specified in section 39, there shall be Employment Injury and other benefits that may be specified in such Regulations: provided that no such other benefits shall be introduced without prior written recommendation of an actuary.

Regulations may provide for other benefits.

43.—(1) Regulations may provide for—

Regulations regarding rates of benefits.

(a) the rates or amounts of benefits and the variation of such rates or amounts in different or special circumstances;

- (b) the conditions subject to which and the periods for which benefits may be granted;
- (c) the date as from which benefits are provided:

Provided that no variation of rates or duration of benefits shall be made without prior consultation with an actuary.

(2) Regulations made under subsection (1) may include provision that where it is a condition of the title to benefit that a person is the widow or widower of an insured person, the Director may treat a single woman or widow who was living with a single man or widower at the time of his death as if she were in law his widow, or a single man or widower who was living with a single woman or widow at the time of her death as if he were in law her widower:

Provided that the Director is satisfied that in all circumstances she or he ought to be so treated.

- (3) Where the question of marriage or re-marriage, or the date of marriage or re-marriage, arises in regard to title to benefit the Director shall in the absence of the subsistence of a lawful marriage decide whether or not the persons concerned should be treated as if they were married or had re-married as the case may be, and if so from what date; and in determining the question the Director shall have regard to the provisions of subsection (2).
- (4) The determination of the Director under subsection (2) or subsection (3) shall, unless the context otherwise requires, have the effect of extending, as regards title to benefit, the meaning of the word "marriage" to include the association of a woman with a man as aforesaid and the words "wife", "husband", "widow", "widower" and "spouse" shall be construed accordingly.

Condition for benefit.

- 44.—(1) It shall be a condition of a person's right to benefit—
 - (a) that within the prescribed time, he makes a claim therefor to the Director on the form provided by the Director for the purpose, or in such other manner as the Director may accept in the circumstances of the case; and

- (b) that he produces such certificates, documents, information and evidence for the purpose of determining the right to benefit as the Director may reasonably require, and for that purpose attends at such office or place as the Director may appoint.
- (2) Regulations may require employers to maintain such records, to make such reports and to furnish such information as may be prescribed for the purpose of establishing any person's title to any benefit.

45.—Regulations may provide—

Regulations regarding benefits;

(a) for disqualifying a person for the receipt of any benefit if he fails to make a claim therefor within the prescribed time:

Provided that any such regulation shall provide for extending the time within which the claim is to be made in the cases where good cause is shown for the delay;

- (b) for the prevention of the receipt of two benefits and the adjustment of benefits in special circumstances;
- (c) as to the time and manner of payment of benefit and the information to be furnished by any person when applying for payment;
- (d) for extinguishing the right to payment of any sum by way of benefit if payment is not obtained within a prescribed period;
- (e) for disqualifying a person for receiving sickness benefit, or such other benefit as may be prescribed if that person—
 - (i) has become incapable of work through his own misconduct; or
 - (ii) fails without good cause to attend for or submit to such medical examination or treatment as may be required in accordance with the regulations; or
 - (iii) does any work as an employed or self-employed person;
- (f) for disqualifying a person for receiving benefit during any period when he:

- (i) is absent from Grenada; or
- (ii) is undergoing imprisonment or detention in legal custody; or
- (iii) is in receipt of normal earnings from his employer in respect of absence from work due to sickness or maternity.

and for specifying the circumstances and manner in which payment of the whole or any part of the benefit may instead of being suspended be made during any such period to any prescribed person nominated by the beneficiary, or for the maintenance of any prescribed person who the Director is satisfied is a dependant of the beneficiary;

- (g) for enabling a person to be appointed to exercise, on behalf of any other person who may be or become unable for the time being to act, any right or power which that other person my be entitled to exercise under this Law and for authorising a person so appointed to receive and deal with any sum payable by way of benefit to that other person;
- (h) in connection with the death of any person, for enabling a claim for benefit to be made or proceeded with in his name, for authorising payment to or among persons claiming as his personal representatives, legatees, next-of-kin, creditors or otherwise, and for dispensing with strict proof of title of persons so claiming; and
- (i) for such other matters as may be necessary for the proper administration of benefits, including the obligations of claimants, beneficiaries, and employers.

PART VI

PUBLIC OFFICERS AND EMPLOYEES OF STATUTORY BODIES

46.—This Law shall apply to persons employed by the Government or Statutory Bodies in like manner as if the Government or such Body were

Regulations for treating Public Officers as insured persons. a private person, with such modifications as may be made therein by regulations for the purpose of adapting the provisions of this Law to the case of such persons.

47.—(1) The Minister shall, in relation to any public service pension Modification or scheme, (hereafter in this Part called "the scheme") have power to make such provision for the modification or winding up of the scheme or repeal of any enactment relating to the scheme.

repeal of Public Service Pension Scheme

- (2) The powers of the Minister under this section shall be exercisable by means of an Order-
 - (a) directly modifying the scheme (without regard, in the case of a scheme contained in, or made under the powers conferred by an enactment, to the terms of the enactment or any of its provisions);
 - (b) modifying an enactment under which the scheme was made or by virtue of which it has effect; or
 - (c) directing that the scheme be wound up or the enactment providing therefor be repealed and including directions with respect to the manner and time of the winding up or repeal; and any such Order may contain such incidental, supplementary or transitional provisions as the Minister considers to be required for the purpose of the Order, including provisions adapting, amending and repealing any such enactments as are referred to in paragraphs (a), (b) or (c) above.

PART VII

MARINERS AND AIRMEN

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

Regulations for Mariners and Airmen.

- (a) this Part to apply to such persons notwithstanding that it would not otherwise apply;
 - (b) exempting such persons from the application of this Part when

- they neither are domiciled nor have a place of residence in Grenada:
- (c) requiring the payment of contributions in respect of such persons, whether or not they are (within the meaning of this Law) insured persons;
- (d) taking of evidence, for the purpose of any claim to benefit in a country or territory outside Grenada, by a consular officer or such other persons as may be prescribed.
- (e) withholding any benefit that may be payable to a mariner or airman for any period during which the owner of the ship or vessel is under a statutory or contractual obligation to pay his wages; and
- (f) for treating as an insured person under this Law, persons who are or have been employed on or after the Appointed Day on board a ship, vessel or aircraft notwithstanding that they do not fulfil the prescribed conditions or entitlement to benefit under this Law.

Regulations re wives or widows of Mariners and airmen.

49.—Regulations may provide—

- (a) for granting any benefit under this Law to married women or widows whose husbands sustain injuries or fatalities whilst working on board any ship, vessel or aircraft;
- (b) for modifying the provisions of this Law in their application to persons who are or have been outside Grenada at any prescribed time or in any prescribed circumstances;
- (d) that where an insured person is throughout any contribution period outside Grenada and is not in that period an insured person he shall not be liable to pay any contributions as an insured person for such period.

PART VIII

AGREEMENTS WITH FOREIGN GOVERNMENTS

Reciprocal agreements with other countries.

50.—(1) For the purpose of giving effect to any agreement the Government of any country outside Grenada, providing for reciprocity in matters relating to any benefits or payments under this Law, Cabinet may

by Regulations modify or adapt this Law in its application to cases affected by the agreement.

- (2) The modifications or adaptation of this Law which may be made by virtue of subsection (1) above may include provisions for:
 - (a) securing that events having any effect for the purpose of law of the country in respect of which the agreement is made shall have a corresponding effect for the purpose of this Law but not so far as to confer a right to double benefit;
 - (b) determining in cases where rights accrue both under this Law and under the law of that country which of those rights shall be available to the persons concerned;
 - (c) making provisions as to administration and enforcement contained in this Law applicable also for the law of the said country;
 - (d) making any necessary financial adjustment by payment into or out of the Fund.

PART IX

ADJUDICATION AND LEGAL PROCEEDINGS

51.—(1) If any question arises as to the liability of any person to pay Adjudication contributions or as to the right of any person to any benefit under this Law the question shall be determined by the Director, subject to the right of appeal to the Board.

and appeals.

- (2) Regulations may provide for-
- (a) the constitution and appointment of an Appeal Tribunal for the purpose of determining and further appeal from a decision of the Board under the preceding subsection;
- (b) a reference to the Court from a decision on any question of law only arising out of any determination by the Appeal Tribunal;
- (c) the procedure to be followed and the forms to be used for appeals to the Board or to the Appeal Tribunal;

- (d) the evidence which is to be required and the circumstances in which any official record or certificate is to be sufficient or conclusive evidence;
- (e) summoning persons to attend and give evidence or produce documents and for authorising the administration of oaths to witnesses:
- (f) the representation of one person at any hearing of a case by another person whether having legal qualifications or not;
- (g) matters pending the determination under this Law, whether at first instance or on appeal or reference, of any claim for benefit or of any question affecting the right of any person to benefit or to the receipt thereof or of the liability of any person for contribution;
- (h) any matter arising out of the decision on appeal or reference under this Law or any claim or question; or
- (i) The time to be allowed for making any claim or appeal or for raising any question with a view to obtaining any decision for producing any evidence.
- (3) The decision of the Court on a reference on a point of law or of the Appeal Tribunal shall be final.
 - (4) Without prejudice to the generality of subsection (2) Regulations thereunder may include provision
 - (a) for the suspension of benefit where it appears that there is or may be a question whether the conditions for receipt thereof were fulfilled;
 - (b) as to the date from which any decision on a reference or appeal is to have effect;
 - (c) for treating any benefit paid to any person under any provision in the Regulations which it is subsequently decided was not payable as properly paid or as paid on account of any other benefit which it is decided was payable to him

- or for the repayment of any such benefit and the recovery thereof by deduction from any other benefit or otherwise:
- (d) for treating any benefit paid to one person in respect of another person (being a child of or the wife or husband or an adult dependent of the first mentioned person) as having been properly paid for any period, notwithstanding that under Regulations relating to benefits it is not payable for that period by reason of a subsequent decision either—
 - (i) that such other person is himself entitled to benefit for that period; or
 - (ii) that a third person is entitled to benefit for that period in respect of such other person in priority to the first-mentioned person; and
 - (iii) for reducing or withholding accordingly any arrears payable for the period by virtue of a subsequent decision.
- (5) There shall be paid out of the Fund to the members of an Appeal Tribunal appointed by Regulations made under this section, such remuneration and allowances, as the Board, with the prior approval of the Minister, lal Insural may determine.

52.—(1) Where—

Unpaid contributions to rank as privileged debt

- (a) an execution has been levied against the property whether movable or immovable of an employer, in respect of a judgement against him, and any such property has been seized or sold or otherwise realised in pursuance of such execution; or
- (b) on the application of a secured creditor, the property whether movable or immovable, of an employer has been sold, any sums due as contributions by such employer shall rank as a privileged debt pari passu with state taxes without the necessity for registration thereof.
- (2) For the purposes of this section, "employer" includes any company in liquidation:

Joint liability of firm and officers thereof. 53.—Where an offence under this Law has been committed by a body corporate, firm, society, or other body of persons, any person, who at the time of the commission of the offence was a director, manager, secretary, or other similar officer or a partner of the body corporate, firm, society, or other body of persons or was purporting to act in such capacity shall, as well as such body corporate, firm, society or other body of persons be guilty of that offence unless he proves that the offence was committed without his consent or connivance, and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised, having regard to the nature of his functions in that capacity and to all the circumstances.

Certified copy as evidence.

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

Civil proceedings.

- 55.—(1) Notwithstanding any provisions of this Law, a contribution to the Fund may be recoverable by action as a debt owing to the Fund at any time within three years from the date when the contribution becomes due.
- (2) Any action for the recovery of contributions under this section may be instituted by the Director of the Fund or by any other person authorised in that behalf by the Director, and where the action is instituted in a Court of competent jurisdiction any person authorised by this subsection may appear and conduct such proceedings.
- (3) For the purposes of this section, "contribution" includes any surcharge and interest imposed under the provisions of this Law.

Offence and penalties.

56.—Any person who—

- (a) fails to pay at or within the time prescribed for the purpose, any contribution, interest or surcharge which he is liable to pay pursuant to this Law;
- (b) for the purpose of evading payment of any contribution or surcharge by him or some other person—
 - knowingly makes any false statement or representation; or

- (ii) produces or furnishes or causes, or knowingly allows to be produced or furnished any document or information which he knows to be false in a material particular;
- (c) for the purpose of obtaining any benefit for himself or some other person—
 - (i) knowingly makes any false statement or representation; or
 - (ii) produces or furnishes or causes to be produced or furnished any document or information which he knows to be false in a material particular;
- (d) (i) wilfully delays or obstructs or refuses admission to the Director or any Inspector, in the exercise of any functions under this Law; or
 - (ii) refuses or neglects without reasonable cause to answer any questions or to furnish any information or to produce any document when required to do so under this Law;
- being an employer deducts or attempts to deduct or otherwise recovers or attempts to recover the whole or any part of the contribution of the employer in respect of any insured person;
- (f) misrepresents or fails to disclose any material facts;
- (g) fails or neglects to deduct any contributions under this Law;
- (h) being or having been an auditor of the books and records of the Fund or a member, employee or agent of the Board, directly or indirectly communicates or reveals to any person any matter relating to the business of the Board or the Fund which shall have become known to him in his capacity as auditor, member, employee or agent except as may be required for the due discharge of his duty as such auditor, member, employee or agent or as may be permitted by the Board;
- (i) procures any member, employee or agent of the Board, or any person who has ever been such member, employee or agent to communicate or reveal any such matters as is set out in the last preceding paragraph,

shall be guilty of an offence against the Law and shall be liable on summary conviction to a fine not exceeding one thousand dollars (\$1,000) or to a term of imprisonment not exceeding six months or to both such fine and imprisonment.

Recovery of contributions in proceedings under this Law.

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

and on proof of such failure, the person charged shall be liable, if convicted, to pay to the Fund a sum equal to the total of all the contributions under this Law which he is so proved to have failed to pay and which remain unpaid at the date of the conviction.

(3) If an employer, being a body corporate, firm, society or other body of persons, fails to pay to the Fund any sum which they as employer have been ordered to pay, then every director or partner as the case may be of the body corporate, firm or society who knew or could reasonably be expected to have known of the failure to pay the contribution or contributions in question shall be liable jointly and severally to the same penalties or where applicable, to the same punishment as a single unincorporated employer. (4) Notwithstanding any fine or conviction under this Law, an employer or employee shall remain liable to pay to the Fund any contribution surcharge and interest due and payable under the provisions of this Law.

58.—(1) Where an employer has failed or neglected—

Proceedings
against
employer for
benefits lost by
his default.

- (a) to pay any contribution which under this Law he is liable to pay in respect or on behalf of any insured person in his employment; or
- (b) to comply in relation to any insured person, with the requirements of this Law relating to the payment and collection of contributions, and by reason thereof that person to whom a benefit under this Law may have been payable has lost in whole or in part the benefit to which he would have been entitled,

that person shall be entitled to recover in a Court of competent jurisdiction from the employer as a civil debt, a sum equal to the amount of the benefits so lost, irrespective of the amount.

- (2) Proceedings may be taken under this section, notwithstanding that proceedings have been under any other section of this Law in respect of the same failure or neglect.
- (3) Proceedings under this section, may, notwithstanding any enactment to the contrary, be brought at any time within three (3) years after the date on which the insured person, but for the neglect or failure of the employer, would have been entitled to the benefit lost.
- 59.—(1) no obligation as to secrecy imposed by statute or otherwise on persons employed in relation to Inland Revenue shall prevent information from being obtained relating to the assessment or collection of income tax from being disclosed to the Director or the Deputy Director where such information relates to the collection of contributions under this Law, or the payment of benefit thereunder.

Disclosure of information by Inland Revenue Department.

(2) Subsection (1) above extends only to disclosure by or under the authority of the Comptroller of Inland Revenue and information which is the subject of disclosure to any person by virtue of the subsection shall not be further disclosed to any other person, except where the further disclosure is made—

- (a) to a person to whom disclosure could otherwise have been made by or under the authority of the Comptroller of Inland Revenue; or
- (b) for the purpose of any proceedings (civil or criminal) in connection with the operations of any enactment relating to the calculation or collection of contributions under the Law, or the payment of benefits thereunder.

Proceedings to be in Director's name.

- 60.—(1) Proceedings for any offence under this law shall be taken in the name of the Director or any person authorised by him in writing and shall be commenced not later than three years after the matter of complaint arose,
- (2) Any person who commits an offence under this Law for which no punishment is provided shall be liable on summary conviction thereof to a fine not exceeding five hundred dollars or to imprisonment for a period of not exceeding three months.

PART X

MISCELLANEOUS

- Members of the People's Revolutionary Government not disqualified from membership of Board, Tribunal, etc.
- Exemption from taxes.
- 61.—Notwithstanding anything to the contrary in any other law contained, a person shall not be disqualified from becoming a Chairman or a member of the Board or of the Investment Committee or of an Appeal Tribunal or receiving any remuneration by virtue thereof by reason only that such person is a member of the People's Revolutionary Government.
- 62.—(1) No stamp duty shall be payable on any receipt, contract, instrument or other document given or executed by the Board or by the Director on behalf of the Fund, or by any person in receipt of benefits or refund of contributions under this Law, but nothing in this section shall be construed to exempt any person from liability to pay stamp duty on any power of attorney or on any document otherwise liable to duty under the Stamp Duty Ordinance.
- (2) Notwithstanding anything contained in any enactment, the Board shall not be liable for payment of any Income Tax or Customs duty or any other duties or taxes whatsoever.

63.—Nothing in this Law shall be deemed to prevent any employer from Private operating any private scheme whether contributory or not, providing benefits to any person employed by him, similar to or greater than those provided under this Law; provided that no private scheme shall be regarded as a substitute for the benefits provided under this Law.

64. —In assessing an award of damages in an action against an employer for personal injuries suffered by an insured person there shall be taken into account against any loss of earnings or profit the value of any benefits or rights due to or which will accrue to such insured person under this Law.

Assessment of damages against employer.

65.—(1) Regulations may provide for—

Regulations.

- (a) the issue of exit certificates to persons leaving the State or such other measures deemed necessary to prevent the evasion by such persons of any contributions due under this Law:
- (b) any prescribed matter or thing;
- (c) the conditions under which payment of any benefit under this Law may be suspended or discontinued altogether;
- (d) payment to a prescribed person or beneficiary where payment of a benefit has been suspended or discontinued under the preceding paragraph;
- (e) the period within which any claim for a benefit shall be made and the documents or information necessary in support of any such claim:
- (f) authorising payment in case of death of an insured person who appears to the Director to be beneficiary and for dispensing with the strict proof of title thereof;
- (g) the qualification for benefits by a widower, under circumstances similar to those providing for a widow's entitlement;
- (h) the control of the payment of benefits to persons who it is considered are liable to squander grants received under the provisions of this Law or any Regulations made thereunder, and

- all other matters connected with or incidental to the purposes of this Law.
- (2) All Regulations made under this Law shall be laid before Cabinet as soon as possible after they are made.
- (3) Regulations made under this Law may include the imposition by a Court of competent jurisdiction of fines not exceeding five hundred dollars or imprisonment not exceeding three months for contravention of any of the provisions thereof.

Power to remove difficulties:

66.—If any difficulty arises in giving effect to any of the provisions of this Law the Minister may by Order published in the *Gazette*, make such provisions not inconsistent with this Law as appear to him to be necessary for removing the difficulty.

Transfer of assets and liabilities of Provident Fund.

- 67.—Upon the date of commencement of this Law the Provident Fund Board shall be dissolved and—
 - (a) all land and other property of every kind, previously vested in the Provident Fund Board shall be vested in the Board;
 - (b) a reference in any deed, contract, hypothecary obligation, bond or security, or other document to the Provident Fund Board shall be construed as a reference to the Board;
 - (c) all rights, claims, privileges, advantages, debts and all liabilities and other obligations to which the Provident Fund Board was entitled or subject to as the case may be, shall be transferred, conferred or imposed upon the Board for the purposes of this Law.
 - (d) legal proceedings pending by or against the Provident Fund Board may be continued on and after that date by or against the Board as party to the proceedings instead of the Provident Fund Board.

People's Law No. 6 of 1983.

68.—Everything done in accordance with the Registration of Employers and Employees Law, 1983, shall be deemed to have been done for the purposes of any regulations made under section 37 for the purpose of registration of employers and employees.

69.—The Provident Fund (Agricultural Workers) Act, 1969, is hereby Repeal. repealed.

FIRST SCHEDULE

(Section 4)

CONSTITUTION AND PROCEEDINGS OF NATIONAL INSURANCE BOARD

- 1. The National Insurance Board shall consist of seven members appointed by the Minister as follows—
 - (a) two members who shall represent the Government
 - (b) two members who shall represent employers;
 - (c) two members who shall represent employees; and
 - (d) the Director.
 - 2. The members representing Government shall be appointed on the advice of Cabinet.
 - 3. The members representing employers shall be appointed on the recommendation of such associations of employers or persons or bodies as in the opinion of the Minister are likly to represent the interests of employers generally throughout the State.
 - 4. The members representing employees shall be appointed on the recommendation of such associations of trade unions or individual trade unions as appear to the Minister to be representative of employees generally throughout the State.
 - 5. The Minister shall appoint the Chairman and Deputy Chairman of the Board from amongst the members who shall with the other members hold office for a period not exceeding three years. Any member of the Board shall be eligible for re-appointment.
 - 6. The Minister may at any time, if he is of the opinion that a member is unfit to continue in office or is incapable of performing his duties, revoke the appointment of such member.

- 7. Any member of the Board other than the Chairman, may at any time resign his office by notice in writing addressed to the Minister and transmitted through the Chairman and from the date of the receipt by the Minister of such notice such member shall cease to be a member of the Board.
- 8. The Chairman may at any time resign his office by giving notice in writing addressed to the Minister and such resignation shall take effect as from the date of the receipt of such notice by the Minister.
- 9. If any vacancy occurs in the membership of the Board, such vacancy shall be filled by the appointment of another member on the recommendation of the appropriate body and such member shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was appointed.
- 10. The names of all members of the Board as first constituted and every change in the membership thereof shall be published in the Gazette.
- 11. The Minister shall convene the first meeting of the Board, and thereafter the Board shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such places as the Board may determine.
- 12. The quorum of the Board shall be four members, one of whom shall be the Chairman or the Deputy Chairman.
- 13. Decisions will be arrived at by majority vote, each member having one vote. In the event of there being a tie the Chairman shall in addition to his vote as a member have a casting vote.
- 14. Minutes of every meeting of the Board shall be kept in proper form by the Secretary and shall be confirmed as soon as practicable thereafter either by circulating the same or at a subsequent meeting.
- 15. A member shall not communicate or reveal to any person any matter which has been brought under his consideration or shall become known to him as a member of the Board except as may be requested for the due discharge of his duties as such.
- 16. A member shall not participate in the deliberations of the Board on any matter in which he has or may have any interest.

REGULATION

- 1. Short title
- 2. Interpretation
- 3. Notice may be given by post
- 4. Application for registration under the Law
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GRENADA

STATUTORY RULES AND ORDERS NO. 3 OF 1983

REGULATIONS MADE BY THE MINISTER RESPONSIBLE FOR SOCIAL SECURITY IN EXERCISE OF THE POWERS CONFERRED ON HIM UNDER SECTION 37 OF THE NATIONAL INSURANCE LAW, 1983.

(Gazetted 25th March, 1983).

1. Short title. These Regulations may be cited as the

NATIONAL INSURANCE (REGISTRATION OF EMPLOYERS AND EMPLOYEES) REGULATIONS, 1983

- 2. Interpretation. For the purposes of these Regulations, unless the context otherwise requires—
 - "Appointed Day" means the day so appointed for section I of the Law;
 - "employee" means a person who performs services under a contract of service or apprenticeship with an employer;
 - "employer" means a person or body corporate with whom an employee has entered into a contract of service or apprenticeship, expressed or implied, whereby such person or body corporate is liable to pay salary, wages or other remuneration for services performed by the employee;
 - "Law" means the National Insurance Law, 1983;
 - "Minister" means the Minister for the time being charged with the responsibility for Social Security;
 - "termination of employment" means the day on which the employment comes to an end, whether such termination is in accordance with the terms of the contract or not, and whether or not the employment is to be resumed at a later date.

- 3. Notice may be given by post. Any notice, application, card or other document which is authorised or required to be given, presented, issued or delivered under these Regulations may be sent by post.
- 4. Application for registration under the Law. (1) Every employer shall, within fourteen days after being requested so to do by the Director, present to the Director on the appropriate form an application for registration as an employer under the Law.
- (2) Failing the receipt of such a request every employer shall present to the Director an application for registration as an employer not later than the Appointed Day.
- (3) After the Appointed Day, every person who becomes an employer shall within seven days of his employing his first employee present to the Director on the appropriate form an application for registration as an employer under this Law.
- (4) On registering an employer under the Law the Director shall request that employer to present to him a completed application for registration in respect of each of his employees on an appropriate form to be supplied by the Director. The form for registration of an employee shall be signed and completed so far as possible by the person to whom that form relates.
- (5) After the Appointed Day, if an employer employs a person who has not been previously registered under the Law, the employer shall forthwith present to the Director an application on the appropriate form for registration in respect of such person.
- (6) The failure of an employee to produce to his employer within four days after the commencement of his employment with that employer a National Insurance registration card issued in accordance with regulation 5(1) of these Regulations shall, for the purposes of paragraph (5) of this regulation, be *prima facie* evidence that the employee had not been previously registered under the Law.
- 5. Issuing of Registration and Deduction Cards. (1) If upon receipt of an application for registration of an individual under the Law the Director is satisfied that the person concerned is required to be insured, he shall cause to be issued to the employer concerned a National Insurance registration card for that person and the employer shall deliver that registration card or cause it to be delivered to the employee, or if that person is no longer in his employment, the employer shall return the registration card to the Director. The registration card shall bear unamended the full names and registration number of the insured person. If the entries on the registration card are amended in any way the card shall be invalid and shall be returned to the Director forthwith.

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- (2) when a registration card is issued to an employer the Director shall cause a deduction card to be issued to the employer.
- (3) When a person who is already in possession of a registration card and in respect of whom a deduction card has already been issued to a previous employer becomes employed in another establishment or by another person, the employer shall obtain forthwith a new deduction card in respect of that employee by application to the Director.
- (4) A deduction card shall be current for a period of one year or such other period as the Director may direct.
- (5) Deduction cards and instructions relating thereto shall be issued without charge and the deduction card when issued shall remain the property of the Board.
- 6. Custody of Deduction Cards. (1) An employer on receiving the deduction card of an employee shall be responsible for the custody of that deduction card so long as the person concerned continues to be employed by that employer or until the deduction card is returned or delivered to the Director or retained by an Inspector in accordance with these or any other Regulations. During that period the employer shall produce the deduction card for inspection at any reasonable time when required to do so by an inspector and if so required shall deliver the deduction card to the Inspector who may, if he thinks fit, retain the deduction card. The Inspector shall give a receipt for any deduction card retained by him.
- (2) The Director shall, where appropriate, issue a deduction card to replace any deduction card retained by him.
- (3) If a deduction card, while in the custody of an employer is lost or destroyed, or because of defacement or change of name or otherwise ceases to represent the identity of the employee to whom it relates, the employer shall forthwith apply to the Director for the issue to him of a replacement card and for this purpose the employer shall furnish the Director with such information and supporting evidence as the Director may require.

In the absence of such acceptable supporting evidence, the Director may reconstruct the card on the basis of the information relating to that employee.

(4) Every employer having the custody of the deduction card of an employee in accordance with this regulation shall permit that person to have access to such card for

the purpose of complying with regulation 8(2). In addition, and without prejudice to this right, if an employee wishes to inspect his deduction card while it is in the custody of his employer, the employer shall give him a reasonable opportunity of so doing.

Provided that no employee shall be entitled by virtue of this paragraph to inspect his deduction card more than once in any one month or except at such time as may be appointed by his employer for the purpose.

7. Disposal of Deduction Cards. (1) If the employment of an employee is terminated during the currency of the deduction card held by his employer, the employee shall deliver the card to the Director accordingly, within seven days after the end of such employment.

Provided that where such employment is terminated by the employee without notice or intimation to his employer, the said period of seven days shall be extended to fourteen days.

- (2) On the death of an employee, the employer or any other person having possession or thereafter obtaining possession of the deduction card of the deceased person, shall forthwith deliver it to the Director.
- (3) Within fourteen days or such longer period as the Director may in any special case allow after the date on which any deduction card in the custody of an employer ceases to be current, that employer shall deliver such card to the Director.
- (4) The Director may, in his discretion, exchange a current deduction card at any time, and in a manner other than that prescribed in these Regulations.
- 8. Obligations of employee. (1) Every employee shall furnish to his employer on request such personal particulars as the employer may require for the purpose of these Regulations. The employee shall be responsible for the correctness of the particulars so furnished and shall, where required, sign the appropriate form in the place provided for the purpose.
- (2) Every employee shall within four weeks before the date on which his deduction card ceases to be current, sign the card and insert his then present address in the respective places provided for these purposes on the card.

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- (3) An employee to whom a registration card is delivered in accordance with regulation 5 shall be responsible for its safe custody, and if any such card is lost or destroyed or because of defacement or change of name or otherwise ceases to represent his identity, the person concerned shall apply to the Director for issue to him of a replacement registration card and for this purpose the applicant shall furnish the Director with such information as he may require.
- (4) Every employee to whom a registration card has been delivered shall on commencing employment with a new employer, and on such other occasions as his employer or an inspector may request, produce the registration card to the employer or inspector, as the case may be.
- 9. Penalties. If any person contravenes or fails to comply with any of these Regulations he shall be liable on summary conviction to a fine not exceeding one hundred dollars for each such offence and, where the offence consists of continuing any such contravention or failure after conviction thereof, to a fine not exceeding one hundred dollars for each day on which it is so continued.
- 10. Commencement. These Regulations shall come into operation on the Appointed Day.

Made this 25th day of March, 1983.

SELWYN STRACHAN

Minister

Wational Insurance Scheme Grenada

Wational Insurance

REGULATION

1. Short title

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GRENADA

STATUTORY RULES AND ORDERS NO. 4 OF 1983

REGULATIONS

MADE BY THE MINISTER RESPONSIBLE FOR SOCIAL SECURITY IN EXERCISE OF THE POWERS CONFERRED ON HIM UNDER SECTIONS 43, 45, 51 AND 65 OF THE NATIONAL INSURANCE LAW, 1983.

(Gazetted 25th March, 1983).

1. Short Title These Regulations may be cited as the

NATIONAL INSURANCE CLAIMS AND PAYMENTS) REGULATIONS 1983

PART 1

PRELIMINARY

- 2. Interpretation. For the purpose of these Regulations and expression-
 - "Appointed Day" means the day appointed by the Minister pursuant to section 1 of the Law;
 - "beneficiary" in the relation to any benefit, means the person entitled to that benefit:
 - "benefit" means any benefit payable under the Law;
 - "claimant" means a person claiming benefit and includes in relation to the review of an award or decision, a beneficiary under the award or affected by the decision;
 - "day" means a period of twenty-four hours from midnight to midnight or such other period as may be prescribed;
 - "determining authority" means, as the case may require, the Board or the Director or the medical board or the Appeal Tribunal appointed or constituted in accordance with any regulations for the time being in force under the Law;

- "Director" means the Director, appointed pursuant to section 9 of the Law;
- "draft or voucher" means a draft or voucher, payment order or any other instrument whatsoever (except a serial order) which is payable through the Post Office, Revenue Office, office of the Board or a Bank;
- "invalidity pension" means invalidity benefits paid or payable, as the case may require, in the form of a pension;
- "invalidity grant" means invalidity benefit paid or payable, as the case may require, in the form of a grant;
- "insured person" has the meaning assigned to it in section 2 of the Law;
- "Law" means the National Insurance Law 1983;
- "medical examination" includes where necessary, bacteriological and radiological tests and similar investigations and references to being medically examined shall be construed accordingly;
- "medical practitioner" means a registered medical practitioner and includes a person practising medicine outside Grenada who, not being a registered medical practitioner, is qualified to practise medicine and is not prohibited from so doing under the law of the place where he practises;
- "pension" means an age, invalidity or survivors' pension as the case may require;
- "pensioner" means a person to whom any pension is payable;
- "pension order" means an order for payment through the Post Office, Revenue Office, Bank or office of the Board of a weekly sum on account of pension;
- "relevant person" means the person by whom the condition for benefit is to be satisfied;
- "serial order" means one of a series of orders including pension orders, for the payment through the Post Office, Revenue Office, Bank or office of the Board of a sum on account of benefit which is or has been contained in a book of such orders;

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PART II

GENERAL

- 3. Obligations of claimants for and beneficiaries in receipt of benefits. (1) Subject to paragraphs (2) and (3), every claimant for and every beneficiary in receipt of a benefit shall comply with every notice given to num by the Director which requires him—
 - (a) to attend for and submit himself to medical examination by one or more medical practitioners appointed by the Board; or
 - (b) to attend any course of vocational or industrial rehabilitation training which is considered by the Director to be appropriate in his case.
- (2) Every notice given to a claimant or beneficiary requiring him to submit himself to medical examination shall be given in writing and shall specify the time and place of examination, but shall not require the claimant or beneficiary to submit himself to examination on a date earlier than the third day after the day on which the notice was sent.
- (3) Every claimant and every beneficiary who is required in accordance with this regulation to submit himself to a medical examination, to medical treatment or to any course of vocational or industrial rehabilitation training—
 - (a) shall attend at every such place and at every such time as is specified in the notice; and
 - (b) may, at the discretion of the Board, be paid such travelling and other allowances as the Board may determine.

PART III

CLAIMS

- 4. Claims to be made to the Board in writing. Every claim for benefit shall be made in writing to the Director on the form approved by the Board for the purpose of benefit for which the claim is made, or in such manner, being in writing, as the Director may accept as sufficient in the circumstances of any particular case or class of cases.
- 5. Supply of claim forms. Forms of claim shall be supplied without charge by the Board.

6. Claim not on appropriate forms. Where a claim for benefit has been made on an approved form other than the form appropriate to the benefit claimed, the claim may be treated as if it has been made on the appropriate form:

National Insurance (Claims and Payments) Regulations

Provided that the Director may in any such case require the claimant to complete the appropriate form.

- 7. Information to be given when making a claim for benefit. (1) Every person who makes a claim for benefit shall furnish such certificates, documents, information and evidence for the purpose of determining the claim as the Director may require and if reasonably so required, shall for that purpose attend at such office or place as the Director may direct.
- (2) Every person who makes a claim for benefit shall, in particular, furnish, if required by the Director, the following information concerning himself or the person or persons of or for whom the benefit is claimed—
 - (a) his identity, date of birth, usual place of residence, occupation and relationship to the claimant;
 - (b) his position in regard to benefit under the Law, available sources of income and the amounts contributed by any person towards his maintenance; and
 - (c) in the case of a claim in respect of or based on the insurance of a wife, husband, or widow or a widower, a certificate of the marriage;

together with a declaration signed by the other person where appropriate, confirming the information given.

- (3) Every person who makes a claim for survivors' benefit shall in particular, furnish, if required by the Director a death certificate relating to the deceased.
- (4) Every person who makes a claim for a funeral grant, shall, in particular, furnish the following information—
 - (a) if required by the Director, a death certificate relating to the deceased;
 - (b) in the case of any Council, Association or other Authority, such particulars relating to the relevant persons as may be required by the Director.
- (5) The Director may accept in support of claims and in the absence of the certificate or documents aforementioned—

- (a) as proof of kinship or marriage, evidence of a trustworthy third person or other documentary evidence:
- (b) as proof of age, extracts from baptismal records or school records or other evidence as he considers satisfactory.
- 8. Date of claim. For the purposes of any claim to benefit the day of receipt of the claim at the office of the Board shall be deemed to be the date of claim.
- 9. Amendment of claim forms and withdrawal of claim for benefit. (1) If, owing to the absence of due signature or of due certification a claim is defective at the date of its receipt by the Director, the Director may refer this claim to the claimant, and if the form is returned properly completed within one month from the date on which it is so referred, the claim may be treated as if it had been duly made in the first instance.
- (2) Any person who had made a claim for a benefit in accordance with these Regulations may amend his claim, at any time before a decision has been given thereon, by notice in writing delivered or sent to the office of the Board, and any claim so amended may be treated as if it had been duly made in the first instance.
- (3) If a person who has made claim for invalidity benefit wishes, with a view to withdrawing his election to treat a sickness benefit period as having come to an end, to withdraw the claim, he may deliver or send to the office of the Board written notice signed by him withdrawing his claim and such notice so given shall, if it is received at the office of the Board before the claim has been finally determined, operate to withdraw the claim on the date of its receipt at the office.
- 10. Interchange with claims for other benefits. Where it appears that a person who has made a claim for benefit may be entitled to some other benefit, any such claim may be treated by the Director as a claim in the alternative for that other benefit.
 - 11. Time for claiming benefits, (1) The prescribed time for claiming benefits is
 - (a) in the case of sickness benefit, not later than four days from the earliest day in respect of which the claim is made;
 - (b) in the case of maternity benefit-
 - i. in respect of expectation of confinement, the period of two weeks beginning with the eighth contribution week before the contribution week in which it is expected that the claimant will be confined;
 - ii. where confinement has taken place, within the period of three weeks beginning with the date of confinement;

- (c) in the case of invalidity, age or survivors' benefit, the period of three months after the date on which apart from satisfying the condition of making a claim, the claimant becomes entitled thereto:
- (d) in the case of funeral grant, the period of six months from the date of death of the deceased.
- (2) Subject to paragraphs (3) and (4), a person failing to make a claim for benefit within the time prescribed shall be disqualified for receiving—
 - (a) in the case of sickness benefit, benefit in respect of any more than four days before the date on which the claim is made;
 - (b) in the case of maternity benefit, benefit in respect of any period before the beginning of the contribution week in which the claim is made;
 - (c) in the case of—
 invalidity, age or survivors' benefit, benefit in respect of any period more
 than three months before the date on which the claim is made;
 - (d) in the case of funeral grant, the grant;
 - (3) If in any case the claimant proves-
 - (a) that on a date earlier than the date on which the claim was made, apart from satisfying the condition of making a claim, he was entitled to the benefit; and
 - (b) that throughout the period between the earlier date and the date on which the claim was made there was good cause for delay in making such claim, he shall not be disqualified under paragraph (2) for receiving any benefit to which he would have been entitled if the claim had been made on the earlier date.

Provided that-

- (i) No sum shall be paid by way of sickness, maternity, invalidity, age or survivors' benefit in respect of any period more than twelve months before the date on which the claim therefor is duly made.
- (ii) No sum shall be paid by way of funeral grant if the claim therefor is not duly made within twelve months after the date of the death of a person in respect of whom the grant is payable.

PART IV

PAYMENTS

12. Time and manner of payment of certain benefits and increases thereof and suspension of benefit pending appeals or references. (1) Subject to these Regulations, sickness and maternity benefits shall be paid in accordance with an award thereof, as soon as is reasonably practicable after such an award has been made by means of vouchers for payment thereof payable through the Post Office or Bank, or office of the Board, by cash payments in the home, if the circumstances of any particular case appear to render this appropriate;

Provided that a person who applies for benefit or payment shall produce on request satisfactory particulars of his identify.

(2) Subject to paragraph (3) funeral grant or invalidity, age or survivors' benefit payable in the form of a grant shall be payable in one sum by means of a voucher for payment thereof payable through the Post Office, Revenue Office, Bank or office of the Board or by other means including cash payment in the home, if the circumstances of any particular case appear to render this appropriate:

Provided that a person who applies for benefit or payment shall produce on request satisfactory particulars of his identity.

- (3) An invalidity, age, or survivors' benefit payable in the form of a grant may be payable by instalments of such amounts and at such times as appears reasonable to the Director in the circumstances of the case, notwithstanding paragraph (2), but any such decision may be varied by the Director at any time.
- 13. Time and manner of payment of pensions. (1) Subject to these Regulations, invalidity, age, or survivors' benefits payable in the form of a pension shall be paid weekly in arrears by means of vouchers or pension orders payable in each case to the pensioners, at such Post Office, Revenue Orfice, Bank or at the office of the Board as after enquiry of the pensioner, may from time to time be determined by the Director.
- (2) In any case in which there is an award by the determining authority under which a pension is payable, the Board may cause arrangements to be made whereby, on furnishing such evidence as to identity and such other particulars as may be required, the pensioner may obtain a book of pension orders, and the pensioner shall be notified of the appropriate place at which he may obtain such a book and of the arrangements so far as they affect him.

- (3) The Board shall arrange, where appropriate, for the issue of a fresh book of pension orders on the expiration of the previous book.
- (4) Weekly sums on account of pension may be payable on different days of the weeks as determined from time to time by the Board.
- 14. Book of serial orders to remain property of the Board. (1) Any book of serial orders issued to any person shall remain the property of the Board.
- (2) Any person having a book of serial orders or any unpaid orders shall, on the termination of the pension to which such book of orders relate, surrender such book or order to the Director or to such person as the Board may direct.
- 15. Board may make other arrangements for payment of pension in certain cases. Notwithstanding anything contained in these Regulations the Board may arrange—
 - (a) in any case where the date from which a pension would commence or as from which a change in rate of pension would take effect is other than a date immediately following the appropriate day of the week for which that pension is payable;
 - (b) in any case where the date from which a pension would cease to be payable is a day other than the appropriate day of the week for which that pension is payable.

for a proportion of pension to be paid otherwise than by means of vouchers or pension orders payable to the pensioner.

- 16. Other times and methods of payment of pension. Notwithstanding anything contained in these Regulations, the Board may, in any particular case or class of cases, arrange for the payment of a pension otherwise than weekly in arrears or otherwise than by means of vouchers or pension orders payable to the pensioner.
- 17. Extinguishment of right to sums payable by way of benefit which are not obtained within the prescribed time. (1) The right to any sum payable by way of benefit shall be extinguished where payment thereof is not obtained within the period of six months from the date on which that sum is receivable in accordance with this regulation.
- (2) In calculating the period of six months for the purposes of paragraph (1) no account shall be taken of—

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- (a) any period during which a serial order, voucher or draft containing the sum is in the possession of the Board or any Post Office/Revenue Office, or Bank at which it is payable, other than a period after written notice has been given that the serial order or draft is available for collection;
- (b) any period during which the Board has under consideration any representation that a serial order, voucher or draft containing the sum has not been received or has been lost, mislaid or stolen;
- (c) any period during which the person concerned is for the time being unable to act by reason of any mental incapacity, subject to the qualification that the total period disregarded on account of such inability to act shall not exceed one year; or
- (d) any period during which the determination of any question as to such extinguishment is pending:

Provided that where a right to any sums payable by way of benefit is extinguished by virtue of this regulation the Board may authorise payment thereof if it is of the opinion that such extinguishment did not occur as a result of negligence of the person entitled to the payment.

- (3) For the purposes of this regulation, a sum payable by way of benefit shall, subject to paragraph (4) and to regulation (22) (3) be receivable—
 - (a) in the case of a sum contained in a serial order, on the date on which the order is due to be paid;
 - (b) in the case of a sum contained in a draft or voucher-
 - (i) if the draft or voucher is sent through the post, on the date on which it is authenticated for payment, and
 - (ii) in any other case, on the date of issue of the draft or voucher;
 - (c) in the case of a sum not contained in a serial order, draft or voucher, where notice is given orally or in writing that the sum is available for collection—
 - (i) if written notice is sent through the post, on the date on which it would be delivered in the ordinary course of the post; and
 - (ii) in any other case, on the date of the notice;
 - (d) in any case to which sub-paragraph (a) and (b) or (c) does not apply six months (or such longer period as may be determined by the Board in the circumstances of any particular case) after the date on which the sum becomes payable.

- (4) In determining when a sum is receivable under paragraph (3) the following provisions shall apply—
 - (a) if a person proves that through no fault of his own he did not receive any such serial order, draft or voucher or written notice until a date later than the appropriate receivable date determined in accordance with paragraph (3) the sum contained in the order, draft or voucher or referred to in the notice shall be receivable—
 - (i) on that later date; or
 - (ii) on the date which is six months after the said appropriate receivable date, whichever is the earlier;
 - (b) if a person proves that through no fault of his own he has not received any such serial order, draft, voucher or written notice, the sum contained in the original order, draft or voucher or referred to in the notice shall be receivable—
 - (i) on the date determined in accordance with paragraph (3) on the basis of the issue of any further order, draft, voucher or notice in respect of that sum; or
 - (ii) on the date which is six months after the receivable date determined in accordance with paragraph (3) on the basis of the original order, draft, voucher or notice, whichever is the earlier;
 - (c) subject to regulation 22(3) and to sub-paragraph (b), a sum which in accordance with this regulation was receivable on any date, shall remain receivable on that date, notwithstanding the issue since that date of a serial order, draft, voucher or notice in respect of that sum or any part thereof.
- (5) Any sum payable by way of benefit to a person who is for the time being unable to act shall be receivable in accordance with this regulation, notwithstanding his inability to give a receipt therefor.
- 18. Information to be given when obtaining payment of benefit. (1) Every beneficiary and every person by whom or on whose behalf sums payable by way of benefit are receivable shall furnish in such manner and at such times as the Director may determine such certificates and other documents and such information of facts affecting the right to benefit or to the receipt thereof as may be required (either as a condition on which any sum or sums shall be receivable or otherwise) by the Director, and in particular, shall notify the Board in writing of any change of circumstances which he might reasonably be expected to know might affect the right to benefit or the rate at which the benefit is payable, or to the receipt thereof, as soon as reasonably practicable after the occurrence thereof.

(2) Where any sum is receivable on account of any other person-the beneficiary shall, in such case or classes of cases as the Director may direct, furnish a declaration signed by such other person confirming the particulars respecting him furnished by the claimant

PART V

MISCELLANEOUS

- 19. Forfeiture of benefit suspension of proceedings or claims and suspension of payments of benefit. (1) If in respect of any incapacity, or expected or actual confinement, a person claiming or entitled to sickness, maternity or invalidity benefit as the case may be—
 - (a) without good cause behaves in any manner calculated to retard his recovery or fails without good cause to answer any reasonable enquiries by an officer of the Board directed to ascertain whether he is doing so;
 - (b) is absent from his place of residence without leaving word where he may be found;
- (c) undertakes work for which renumeration is or would ordinarily be payable, he shall, subject to paragraphs (4) to (7), if the Director so decides, forfeit that benefit for such period as the Director determines.
 - (2) If, without good cause—
 - (a) a claimant fails to furnish to the prescribed person any information required for the determination of the claim or of any question arising in connection therewith; or
 - (b) a beneficiary fails to give notice to the prescribed person of any change of circumstances affecting the continuance of the right to benefit or to the receipt thereof, or to furnish as aforesaid any information required for the determination of any question arising in connection with the award; or
 - (c) a claimant for, or a beneficiary of sickness, maternity or invalidity, benefit fails to comply with any requirement of regulation 3,

he shall, subject to paragraphs (4) to (7), if the Director so decides, forfeit any benefit claimed in respect of the period of such failure.

- (3) If any claimant or beneficiary wilfully obstructs, or is guilty of other misconduct in connection with any examination or treatment to which he is required under regulation 3 to submit himself, or any proceedings under the Law or Regulations for the determination of his right to benefit or to the receipt thereof, he shall subject to paragraphs (4) to (7), forfeit any benefit claimed for such period as the Director determines.
- (4) In any case to which paragraph (1), (2) or (3) relates, proceedings on the claim or payment of benefit, as the case may be, may be suspended for such period as the Director determines.
- (5) Nothing in this regulation providing for the forfeiture of benefit for any of the following matters, that is to say-
 - (a) for failure to comply with the requirements of regulation 18(1);
 - (b) for failure to comply with the requirements of regulation 3;
 - (c) for obstruction of, or misconduct in connection with medical examination or treatment:
 - (d) for failure to comply with the requirements of regulation 20(1);

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

- (6) No person shall forfeit any benefit for refusal to undergo a surgical operation, not being one of a minor character.
- (7) A person who would be entitled to any benefit but for the operation of this regulation snau be treated as it he was entitled thereto for the purpose of any rights or obligations under the Law and Regulations (whether of himself or any other person) which depend on his being so entitled, other than the right to payment of that benefit.
- 20. Obligations of beneficiaries to notify changes of circumstances. (1) The Board may require any person entitled to benefit to furnish from time to time documented evidence that he is alive and that the conditions governing the grant of such benefit continue to be fulfilled, and if such evidence is not given to the Board within the time required, the Board may suspend payment of the benefit until the date on which the evidence is given.
- 21. Board may appoint persons to act for beneficiary. (1) In the case of any person to whom benefit is payable or who is alleged to be entitled to benefit or by whom or on

whose behalf a claim for benefit has been made, and who is a child or is unable for the time being to act, where no person or authority has been duly appointed under the law to have charge of his estate the Board may, upon written application being made to it, appoint a person to exercise on behalf of the child or person who is unable to act any right to which that child or person may be entitled under the Law and to receive and deal with any sums payable on behalf of such child or person:

Provided that-

- (a) any such appointment by the Board shall terminate on the date immediately prior to the date on which the Board is notified that a person or authority has been duly appointed under the Law;
- (b) a person who has not attained the age of eighteen shall not be capable of being appointed to act under this regulation;
- (c) the Board may at any time in its absolute discretion revoke the appointment made under this regulation; and
- (d) any person appointed under this regulation may, on giving the Board one month's notice in writing of his intention to do so, resign his office.
- (2) Anything required by these Regulations to be done by or to any such person as aforesaid who is a child or who is for the time being unable to act, may be done by or to any person or authority duly appointed under the law to have charge of such person of his estate or by or to the person appointed under this regulation to act on behalf of such person, and the receipt of any person appointed under this regulation shall be good discharge to the Board and the Fund for any sum paid, notwithstanding that such person has not attained the age of twenty-one.
- 22. Person unable to act. (1) On the death of a person who has made a claim for benefit or who is alleged to have been entitled to benefit or in respect of whose death a funeral grant is alleged to be payable the Board may appoint such person as it thinks fit to proceed with or to make a claim for the benefit, and the provisions of these Regulations shall apply subject to the necessary modifications to any such claim;

Provided that in the case of a funeral grant a claim may be made by any person specified in paragraph (2).

(2) Subject to paragraph (6), any sum payable by way of benefit which is payable under an award on a claim proceeded with or made under paragraph (1) may be

distributed to or amongst persons claiming as personal representatives, legatees, nextof-kin, or creditors of the deceased (or, where the deceased was illegitimate, to or amongst other persons), and the provisions of regulation 19 shall apply to any such payment or distribution:

Provided that-

- (a) the receipt of any such person who has attained the age of sixteen shall be a good discharge to the Board and the Fund for any sum so paid; and
- (b) where the Board is satisfied that any such sum or part thereof is needed for the benefit of any person under the age of sixteen, the Board may obtain a good discharge thereof by paying the sum or part thereof to a person over that age (who need not be a person specified in this paragraph) who satisfies the Board that he will apply the sum so paid for the benefit of the person under the age of sixteen.
- (3) Subject to paragraph (6), any sum payable by way of benefit to the deceased, payment of which he had not obtained at the date of his death may, unless the right thereto was already extinguished at that date, be paid or distributed to or amongst such persons as are mentioned in paragraph (2), and regulation 17 and that paragraph shall apply to any such payment or distribution:

Provided that for the purposes of regulation 17(1) the period of six months shall be calculated from the date on which the sum was receivable by any such person, and not from the date on which it was receivable by the deceased, and for those purposes the refference in regulation 17(3) to the date on which the sum became payable, shall be construed as a reference to the date of application to the Board made in accordance with paragraph (5).

- (4) In relation to a funeral grant, the reference in paragraph (2) to creditors shall include a reference to any person who gives an undertaking in writing to pay the whole or part of the deceased's funeral expenses, so however, that any payment of funeral grant to a person by virtue of this paragraph shall be subject to the condition that if the person fails to carry out any such undertaking he shall repay to the Fund any funeral grant so paid to him.
- (5) Paragraphs (2) and (3) shall not apply in any case unless written application for the payment of any such sum is made to the Board within six months from the date of the deceased's death or within such longer period as the Board may allow in any particular case.

- (6) The Board may dispense with strict proof of the title of any person claiming in accordance with this regulation.
- 23. Breach of Regulations, If any person contravenes any requirement of these Regulations (not being a requirement to submit himself to medical treatment or examination) he shall be guilty of an offence and shall where no penalty is otherwise provided in respect of the offence, be liable on summary conviction to a fine not exceeding one hundred dollars, and where the offence consists of containing any such contravention or failure after conviction thereof, one hundred dollars, together with a further fine not exceeding one hundred dollars for each day on which it is so continued.
- .o of Mational Insurance Scheme Gren 24. Commencement. These regulations shall come into operation on the Appointed Day.

Made this 25th day of March, 1983.

SELWYN STRACHAN Minister Wational Insurance Scheme Grenada

Wational Insurance

REGULATION

Short title

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GRENADA

STATUTORY RULES AND ORDERS NO. .5 OF 1983

REGULATIONS MADE BY THE MINISTER RESPONSIBLE FOR SOCIAL SECURITY IN EXERCISE OF THE POWERS CONFERRED ON HIM BY SECTION 51 OF THE NATIONAL INSURANCE LAW. 1983.

(Gazetted 25th March, 1983).

1. Short title. These Regulations may be cited as the

NATIONAL INSURANCE (DETERMINATION OF CLAIMS AND QUESTIONS) REGULATIONS, 1983

PART I

PRELIMINARY

- 2. Interpretation. For the purposes of these Regulations, unless the context otherwise requires—
 - "adjudicating authority" means a medical board or appeal tribunal;
 - "Appeal Tribunal" means an appeal tribunal constituted under regulation 7;
 - "applicant" means for the purpose of Part II, any person who has made application to the Board for determination of a question to which Part II relates;
 - "Appointed Day" means the day appointed by the Minister pursuant to section I of the Law as the Appointed Day for the purposes of section 51 of the Law;
 - "Board" means the National Insurance Board;
 - "Claimant" means a person who has claimed benefit and includes, for the purposes of Part 11, a person whose right to be exempted from liability to pay, or to be credited with, a contribution is in question;
 - "Court" means a Court of competent jurisdiction;

- "Director" means the Director, appointed pursuant to section 9 of the Law;
- "Grant" means invalidity, age, survivors' or funeral grant;
- "hearing" means oral hearing;
- "Law" means the National Insurance Law:
- "member" in relation to a medical board includes the Chairman thereof;
- "office" means any office appointed as an office for the purposes of the Law or these regulations;
- "question" includes, for the purposes of Part III, a claim for benefit;
- "reserved question" means any question set out in regulation 3.

PART II

DETERMINATION OF OUESTIONS BY BOARD

- 3. Questions for determination by the Board. The following reserved questions arising under or in connection with the Law shall be determined by the Board whose decision shall be final, subject to the provisions of these Regulations-
 - (a) whether a person is or was employed in insurable employment under the Law:
 - (b) as to the class of insured person in which a person is to be included;
 - (c) at what rate contributions are or were payable in accordance with Regulations made under the Law, or any question otherwise relating to a person's contributions:
 - (d) who is or was liable for payment of contributions as the employer of any insured person;
 - (e) as to which person or persons should be granted survivors' benefit.
- 4. Procedure for determination of questions by the Board. (1) Any person desiring to obtain the decision of the Board on any question mentioned in regulation 3 shall deliver or send to the Board in application for the purpose in writing in a form approved by the

National Insurance (Determination of Claims and Ouestions) Regulations

Board and shall furnish such particulars as the Board may require for the purposes of the consideration and determination of any such question.

- (2) The Board shall take steps to bring any such particulars to the notice of any person appearing to it to be interested therein and to obtain from such person such particulars within such time and in such form as it considers reasonably necessary for the proper determination of the question.
- (3) The Board may, if it thinks fit, before determining the question, appoint a person to hold an inquiry into the matter and to report to it thereon, and any person so appointed may by summons require persons to attend at any such inquiry to give evidence or to produce documents reasonably required for the purposes of the inquiry and may take evidence on oath and for that purpose administer oaths.
- (4) Reasonable notice of the date and place of the holding of such an inquiry shall be given to the applicant and to any persons notified of the application in accordance with paragraph (2).
- (5) The applicant and any person appearing to the Board or to the person holding the inquiry to be interested in the application shall be entitled to attend and be heard at the inquiry, and to be represented by any other person, and the procedure thereat shall, subject to this regulation, be such as the person holding the inquiry shall determine.
- (6) The Board shall give notice in writing of its decision to the applicant and to any person appearing to it to be interested therein and may publish its decision in such manner as it thinks fit.
- 5. Reference to Court of questions of Law and appeals against decisions of Board.

 (1) Any question of law arising in connection with the determination by the Board of any such question as is mentioned in regulation 3 may, if it thinks fit, be referred by the Board for decision to the Court.
- (2) In the event of the Board determining in accordance with paragraph (1) to refer any question of law of the Court, it shall send notice in writing of its intention so to do to the applicant and to any other person appearing to it to be interested therein.
- (3) Any person aggrieved by the decision of the Board on any question of law which is not referred in accordance with paragraph (1), may appeal from that decision to the Court, and the applicant and any other person appearing to the Board to be interested

shall, on request, be furnished with such a statement of the grounds of the decision as will enable them to determine whether any question of law has arisen upon which they may wish to appeal.

- (4) Without prejudice to the rights of any person, the Board shall be entitled to appear and be heard on any such reference or appeal.
- 6. Review of decision of the Board. (1) The Board may, on new facts being brought to its notice or if it is satisfied that the decision was given in ignorance of, or was based on a mistake as to some material fact, review a decision given by it in accordance with this part:

Provided that any such decision shall not be reviewed while an appeal is pending against the decision of the Board on a question of law arising in connection therewith, or before the time for appealing has expired.

(2) The Provisions of regulation 5 shall apply in relation to a decision on review as they apply to the original determination or decision.

PART III

DETERMINATION OF CLAIMS AND QUESTIONS BY THE DIRECTOR OR APPEAL TRIBUNAL

- 7. Submission of questions to Director. (1) The following questions, that is to say-
 - (a) any question as to the right to benefit or manner of payment of grants; and
 - (b) any other question arising under or in connection with the Law, not being a reserved question;

shall be submitted to the Director, who shall consider the question, and, so far as practicable, dispose of it in accordance with these Regulations within fourteen days from the date when it was sumbitted to him.

- (2) If on consideration of a question the Director is of the opinion that a reserved question does not arise then—
 - (a) if he is satisfied that the question ought to be determined wholly in favour of the claimant, he may determine the question accordingly;

- (b) in so far as he is not satisfied he may either-
 - (i) refer the question (so far as is practicable within fourteen days from the date on which it was submitted to him) to an Appeal Tribunal having the constitution as laid down by the Schedule to these Regulations for its decision: or
 - (ii) himself determine the question in whole or in part adversely to the claimant.
- (3) Where the Director refers a question to an Appeal Tribunal in accordance with paragraph (2) notice in writing of such reference shall be given to the claimant.
- 8. Declaration that accident is not an employment accident. (1) Where, in connection with any claim for benefit, it is determined that the relevant accident was or was not an employment accident, an express declaration of that fact shall be made and recorded and (subject to the provisions of paragraph (3)) a claimant shall be entitled to have the question whether the relevant accident was not an employment accident determined notwithstanding that his claim is disallowed on other grounds.
- (2) Subject to paragraph (3) any person suffering personal injury by accident shall be entitled, if he claims the accident was not an employment accident, to have the question determined, and a declaration made and recorded accordingly notwithstanding that no claim for benefit has been made in connection with which the question arises, and the provisions of this Part shall apply for that purpose as if the question had arisen in connection with a claim for benefit.
- (3) Notwithstanding anything in paragraphs (1) or (2), the Director or Appeal Tribunal as the case may be, may refuse to determine the question whether an accident was an employment accident if satisfied that it is unlikely that it will be necessary to determine the question for the purpose of any claim to benefit; but any such refusal of the Director shall be subject to appeal to the Appeal Tribunal.
- (4) Subject to the provisions of this Part as to appeal and review, any declaration under this regulation that an accident was or was not an employment accident shall be conclusive for the purposes of any claim for benefit in respect of that accident whether or not the claimant is the person at whose instance the declaration was made.
- (5) For the purposes of this regulation an accident whereby a person suffers personal injury shall be deemed in relation to him, to be an employment accident if—
 - (a) it arises out of and in the course of his employment;

- (b) that employment is insurable employment; and
- (c) payment of benefit is not precluded because the accident happened while he was outside Grenada;

and reference in the following provisions to an employment accident shall be construed accordingly.

- (6) Regulation 13 shall apply to paragraphs (1) to (5) but only if the Director or Appeal Tribunal, as the case may be, is or are satisfied by fresh evidence that the decision under those paragraphs was given in consequence of any wilful non-disclosure or misrepresentation of a material fact and subject to the provisions of this paragraph any decision under paragraphs (1) to (5) shall be final.
- 9. Appeals to Appeal Tribunal. (1) If the Director has determined a question in whole or in part adversely to the claimant, the claimant shall, subject to this regulation have a right to appeal in respect of the decision to the Appeal Tribunal, whose decision shall be final, subject to the provisions of these Regulations, and shall be notified in writing of the decision and the reasons therefor and of his right of appeal therefrom:

Provided that where a reserved question has arisen in connection with the decision of the Director and has been determined by the proper authority, and the Director certifies that the decision on that question is the sole ground of his decision, no appeal shall lie without the leave of the Chairman of the Appeal Tribunal.

- (2) An appeal against a decision of the Director must be brought by giving notice of appeal at the office of the Board within twenty-one days after the date of the decision or within such further time, not exceeding four months, as the Chairman of the Appeal Tribunal may allow.
- (3) A notice of appeal shall be in writing and shall contain a statement of the grounds upon which the appeal is made.
- 10. Time and place of hearings before Appeal Tribunal. (1) Reasonable notice of time and place of hearing before the Appeal Tribunal shall be given to the claimant, and to any other person who may appear to the Chairman of the Tribunal to be interested, and except with the consent of the claimant, the Appeal Tribunal shall not proceed with the hearing of any case unless such notice has been given.
- (2) If a claimant or other person to whom notice of hearing has been duly given in accordance with these Regulations fails to appear either in person or by representative

at such hearing and has not given a reasonable explanation for his absence, the Tribunal may proceed to determine the case, or may give such directions with a view to the determination of the case as they think proper.

- 11. Hearings before Appeal Tribunal. (1) Every hearing by an Appeal Tribunal shall be in public except in so far as the Chairman of the Tribunal may otherwise direct if he is of the opinion that intimate personal or financial circumstances may have to be disclosed or that considerations of public security are involved.
- (2) The following persons shall be entitled to be heard at the hearing of any case by an Appeal Tribunal—
 - (a) the claimant;
 - (b) the Director;

and any person appearing to the Tribunal to be interested shall have the right to be present notwithstanding that the hearing of the case is not in public.

- (3) Any person who by virtue of this regulation has the right to be heard at the hearing of a case by an Appeal Tribunal may be represented at the hearing by some other person, whether having professional qualifications or not, and for the purposes of the hearing any such representative shall have all the rights to which the person he represents is entitled under these Regulations.
- (4) Any person who exercises the right conferred by this regulation to be heard at the hearing may call witnesses and shall be given an opportunity of putting questions directly to any witnesses called at the hearing.
- (5) If it appears to the Appeal Tribunal that any appeal under this regulation involves a question of law or fact of special difficulty, it may direct that in dealing with the appeal or any part thereof, it shall have the assistance of an assessor or assessors.
- (6) For the purposes of arriving at their decision, or discussing any question of procedure an Appeal Tribunal may, notwithstanding anything in this Regulation, order all persons not being members of the Tribunal other than an officer of the Board acting as clerk to the Tribunal, to withdraw from the sitting of the Tribunal.

12. Decisions of Appeal Tribunal. (1) An Appeal Tribunal shall-

(a) record in writing in such form as may from time to time be approved by the

- Board all its decisions (whether on an appeal or on a reference from the Director); and
- (b) include in the record every decision (which shall be assigned by all the members of the Tribunal) a statement of the reasons for its decision including its findings on all questions of fact material thereto.
- (2) Where the Tribunal is unable to reach a unanimous decision on any case, the decision of the majority of the members thereof shall be the decision of the Tribunal.
- (3) As soon as may be practicable, a copy of the record of its decision made in accordance with this regulation shall be sent to the claimant and to the Director and to any other person who appears to the Appeal Tribunal to be interested.
- 13. Review of decisions of Director and Appeal Tribunal. (1) Any decision under this Part of these Regulations, of the Director or Appeal Tribunal, may be reviewed at any time by the Director, or on a reference from the Director, by an Appeal Tribunal—
 - (a) if the Director or the Tribunal is satisfied, but not without fresh evidence, that the decision was given in ignorance of, or was based on a mistake as to, some material fact;
 - (b) there has been any relevant change of circumstances since the decision was given; or
 - (c) the decision was based on the decision of any reserved question and the decision of that question has been revised.
- (2) A question may be raised with a view to such a review by means of an application in writing to the Director stating the grounds of that application.
- (3) On receipt of any such application, the Director shall proceed to deal with or refer any question arising thereon in accordance with the Law and these Regulations.
- (4) Any decision given on a review under this regulation, and any refusal to review a decision under this regulation, shall be subject to appeal in like manner as an original decision, and the provisions of this Part shall, subject to the necessary modifications, apply in relation to any decision given on a review as they apply to the original decision of a question.
 - 14. Interim payments. (1) Subject to these Regulations and to regulation 12 of the

National Insurance (Claims and Payments) Regulations, benefit may be payable in accordance with an award, notwithstanding that an appeal against the award is pending.

- (2) Where it appears to the Director that a question has arisen whether-
- (a) the conditions for the receipt of benefit payable under an award are or were fulfilled; or
- (b) an award of benefit ought to be revised in accordance with these Regulations,

he may direct that payment of the benefit shall be suspended in whole or in part until that question has been determined.

15. Review of decision involving payment or increase of benefits other than grants.

(1) Subject to these Regulations, where in review a decision is revised so as to make benefit payable, or to increase the rate of benefit, the decision on review shall have effect as from the date of the application for the review;

Provided that, subject to paragraph (2), if in any case the claimant proves that on a date earlier than the date on which the application for the review was made, he was (apart from satisfying the condition of making a claim therefor) entitled to benefit, he shall not be disqualified by virtue of the foregoing provisions of this paragraph from receiving any benefit to which he would have been entitled in respect of the period between the earlier date and the date on which the application for the review was made.

- (2) Notwithstanding anything contained in this regulation, the following provisions shall have effect—
 - (a) the proviso to paragraph (1) shall apply subject to the conditions that no sum on account of benefit shall be paid to any person in respect of any part of the period referred to in that proviso earlier than six months before the date on which the application for the review was made;
 - (b) the decision on review shall not in any event have any effect for any period before the date on which the original decision took effect or would have taken effect if an award had been made;
 - (c) if the said decision on review was based on a material change of circumstances subsequent to the date from which the original decision took effect, it shall not have effect for any period before the date declared by the Director or Appeal Tribunal as the case may be, to be the date on which such material change of circumstances took place.

- (3) For the purposes of this regulation, where a decision is reviewed at the instance of the Director under regulation 13(1) the date on which it was first decided by the Director that the decision should be reviewed shall be deemed to be the date of the application for the review.
- (4) For the purposes of this regulation "benefit" does not include any invalidity, age, survivors' or funeral grant.
- 16. Requirements to adjust benefits on review. Where on review a decision is revised and as a result—
 - (a) a person previously entitled to one benefit is awarded some other benefit in lieu thereof the decision given on the review shall direct that any payment already made on account of the benefit originally awarded shall be treated as having been made on account of the benefit awarded by that decision;
 - (b) benefit previously awarded is held to be not payable or the rate of such benefit is reduced, the decision given on the review shall require repayment to the National Insurance Fund of the benefit paid in excess, unless the case in one to which paragraph (a) applies.
- 17. Adjustment of benefit. (1) Where a grant is awarded by a decision on review or appeal in lieu of a pension previously awarded, such decision shall direct that any payments made on account of such pension shall, in so far as they do not exceed the amount of the grant, be treated as being made on account of the grant.
- (2) Where any benefit other than a grant is awarded by a decision on review of appeal in lieu of another kind of benefit previously awarded, that decision shall, as respect any payments made on account of the benefit previously awarded—
 - (a) direct that in so far as the amount thereof does not exceed the amount of any arrears payable by way of the benefit so awarded, such payments shall be treated as having been made on account of such arrears; and
 - (b) to the extent by which the amount thereof exceeds the amount of the said arrears, direct that such payments shall (except in so far as they are required to be repaid under this regulation) be treated as having been made on account of sums becoming payable after the date of the decision on review or appeal by way of the benefit awarded thereby.
- (3) Where on review or appeal a decision is revised, or is reversed or varied so as to make benefit not payable or to reduce benefit, the decision given on the review or

National Insurance (Determination of Claims and Questions) Regulations

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appeal shall require repayment to the Fund of any benefit paid in pursuance of the original decision to the extent to which it-

- (a) would not have been payable if the decision on the review or appeal had been in the first instance; and
- (b) is not directed to be treated as paid on account of the benefit awarded by the decision on review or appeal;
- (4) where-
- (a) on appeal against an award of benefit a decision is reversed or varied, so that such benefit is not payable or is payable at a less rate; and
- (b) on review, the decision on that appeal is revised so as to make such benefit payable or payable at a higher rate from a date before the decision on appeal, any benefit paid in pursuance of the award before the uecision on appeal shall, to the extent to which it would not have been payable if the decision on appeal had been given in the first instance, be treated as having been paid on account of any benefit made payable for the same period by the decision on review, except in so far as it has, in pursuance of the decision on appeal, been repaid or treated as paid on account of the benefit awarded by that decision;
- (5) Where, in accordance with a decision given on a review or appeal any benefit is required to be repaid to the Fund then, without prejudice to any other method of recovery, such benefit shall be recoverable by deduction from any benefit then or thereafter payable to the person by whom it is to be repaid or from any benefit payable on his death.
- (6) Nothing in this regulation shall be construed as preventing the operation of regulation 45 of the National Insurance (Benefit) Regulations (which regulation concerns the adjustment of benefits where there is entitlement to more than one benefit).
- 18. Action by Director and Appeal Tribunal on reserved question. (1) If on consideration of a question the Director is of the opinion that a reserved question arises he shall—
 - (a) refer the reserved question for determination to the Board to determine the same; and
 - (b) deal with any other questions as if a reserved question had not arisen:

Provided that the Director may-

- (i) postpone the reference of, or the dealing with any question until after other questions have been determined;
- (ii) in case where the determination of any question disposes of a claim or any part thereof, make an award or decide that an award cannot be made as to the claim or that part thereof without the referring or dealing with, or before the determination of, any question.
- (2) This regulation shall apply to the Appeal Tribunal as it applies to the Director, except that an Appeal Tribunal instead of themselves referring a question for determination in accordance with sub-paragraph (a) of paragraph (1) shall require it to be so referred by the Director.

PART IV

MISCELLANEOUS

- 19. Miscellaneous powers of the Board and Appeal Tribunal. Subject to the Law and these Regulations the procedure on the determination of any question by the Board or an Appeal Tribunal shall be such as the Board or the Appeal Tribunal, as the case may be, may determine.
- (2) The Board or an Appeal Tribunal, as the case may be, may refer to a registered medical practitioner for examination and report any question arising for their determination.
- (3) Any power given by these Regulations to extend the period during which anything is required to be done thereunder or to dispense with any of the requirements thereof may be exercised in any case, notwithstanding that the period during which the thing is required to be done has expired.
- 20. Decision to be conclusive for purpose of proceeding under Law, etc. (1) Where in any proceedings-
 - (a) for an offence under the Law, or
 - (b) involving any question as to the payment of contributions under this Law; or

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- (c) for the recovery of any sums due to the Fund, any question arises which under the Law or Regulations is to be determined by the Board, or by the Court in the event of an appeal on a point of law, or the Director, or the Appeal Tribunal, the decision by the appropriate determining authority shall, unless an appeal under these Regulations is pending or the time for so appealing has not expired, be conclusive for the purpose of these proceedings.
- (2) If any such decision under paragraph (1) has not been obtained and the decision of the question is necessary for the determination of the proceedings the question shall be referred to the appropriate determining authority, as the case may require, in accordance with procedures (modified where necessary) prescribed in these Regulations.
- (3) Where such an appeal is mentioned in paragraph (1) is pending, or the time for so appealing has not been expired, or where any question has been referred under paragraph (2), the authority dealing with the case shall adjourn the proceedings until such time as a final decision upon the question has been obtained.
- 21. Authority for payment of expenses. There shall be paid out of the Fund to the Chairman of the Appeal Tribunal such remuneration and such expenses as the Minister from time to time determines.
 - 22. Other payments. (1) There shall be paid-
 - (a) to the members of an Appeal Tribunal (not being the Chairman);
 - (b) to a person or persons appointed by the Board under regulation 4; and
 - (c) members of medical boards,

such remuneration and such travelling or other allowances as the Board may determine and such sums shall properly be payable out of the Fund.

- (2) There shall be paid to persons required to attend on the consideration of a case before the Appeal Tribunal or the Board such travelling or other allowances as the Board may by resolution declare and such sums shall be properly payable out of the Fund.
- (3) There shall be paid such other expenses incurred in connection with the work of the Appeal Tribunal or the Board as the Board may determine and such sums shall be properly payable out of the Fund.
- (4) For the purposes of this regulation references to travelling or other allowances include references to compensation for loss of remuneration:

Provided that such compensation shall not be paid to any person in respect of any time during which he is in receipt of a remuneration under this regulation.

23. Commencement. These Regulations shall come into operation on the Appointed Day.

SCHEDULE

APPEAL TRIBUNAL

- 1. An Appeal Tribunal shall consist of-
 - (a) one person drawn, in accordance with paragraph 3, from a panel of persons chosen by the Board to represent employers;
 - (b) one person drawn, in accordance with paragraph 3, from a panel of persons chosen by the Board to represent insured persons; and
 - (c) a Chairman who, subject to the provisions of this Schedule, shall hold office for such period not exceeding two years, as the Minister may determine and who shall be eligible for re-appointment.
- 2. (1) The Chairman of an Appeal Tribunal shall be an attorney-at-law of at least five years' standing and the Minister may appoint one or more persons to perform the functions of Chairman.
- (2) The members of the panel shall be appointed by the Board, so, however, that before appointing members to either of the panels, the Board may take into consideration any recommendation from organisations concerned with the interests of employers or insured persons.
- 3. As far as practicable, the members of each panel shall be summoned by the Board to serve in turn on the Appeal Tribunal for which the panel is established:

Provided that --

- (a) no person shall sit on a Tribunal during the consideration of a case-
 - (i) in which he appears as the representative of the claimant; or
 - (ii) by which he is or may be directly affected; or

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- (iii) in which he has taken any part as an employer or as a witness;
- (b) where the claimant is a woman, at least one of the members of the Tribunal, if practicable, shall be a woman.
- 4. The Appeal Tribunal may, with the consent of the claimant, but not otherwise, proceed with any case in the absence of any member other than the Chairman, and in any such case the Chairman shall, if the number of the members of the Tribunal is an even number, have a second or casting vote.
- 5. Members appointed to a panel pursuant to this Schedule shall, subject to the provisions of this Schedule, hold office for such term and on such conditions as may be determined by the Board.
- 6. The Minister may, if he considers it expedient so to do, at any time revoke the appoinment of the Chairman and the Board may, if it considers it expedient so to do, at any time revoke the appointment of any member of a panel.
- 7. No member of the Board shall be eligible for appointment as a Chairman or member of an Appeal Tribunal.

Made this 25th day of March, 1983.

SELWYN STRACHAN

Minister

Wational Insurance Scheme Grenada

Wational Insurance

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Walional Insurance Scheme Grenada

GRENADA

STATUTORY RULES AND ORDERS NO. 6 OF 1983

REGULATIONS MADE BY THE MINISTER IN EXERCISE OF THE POWERS CONFERRED ON HIM UNDER PART V AND SECTION 65 OF THE NATIONAL INSURANCE LAW. 1983.

(Gazetted 31st March, 1983).

1. Short title. These Regulations may be cited as the

NATIONAL INSURANCE (BENEFIT) REGULATIONS, 1983

- 2. Interpretation. For the purpose of these Regulations, the expression
 - "Appointed Day" means the day appointed by the Minister pursuant to section 1 of the Law on the appointed day for the purposes of Part V of the Law;
 - "benefit" means any benefit payable under the Law;
 - "claimant" means a person claiming benefit and includes in relation to the review of an award or decision a beneficiary under the award or affected by the decision;
 - "Collection Regulations" means the National Insurance (Collection of Contributions) Regulations, 1983;
 - "confinement" means labour resulting in the issue of a living child or labour after twenty-eight weeks of pregnancy resulting in the issue of a child whether alive or dead;
 - "contribution" means insurance contribution:
 - "contribution year" has the meaning assigned to it by the Collection Regulations;
 - "day" means a period of twenty-four hours from midnight or such other period as may be prescribed;

- "the deceased" in relation to funeral benefit means the person in respect of whose death the benefit is claimed or payable;
- "Director" means the Director, appointed pursuant to section 9 of the Law;
- "insurable earnings" means insurable earnings on which contributions are paid as set out in the Schedule to the Collection Regulations and weekly insurable earnings shall be construed accordingly;
- "insurance contribution" hereinafter referred to as "contribution" means the total of an employee's and an employee's contributions payable in accordance with the provisions of the Law;
- "insured person" has the meaning assigned to it in section 2 of the Law;
- "invalid" has the meaning ascribed to it in regulation 21 of these Regulations;
- "Law" means the National Insurance Law, 1983;
- "medical examination" includes, where necessary, bacteriological and radiological tests and similar investigations and references to being medically examined shall be construed accordingly;
- "medical practitioner" means a registered medical practitioner and includes a person practising medicine outside Grenada, who not being a registered medical practitioner, is qualified to practise medicine and is not prohibited from so doing under the law of the place where he practises;
- "pension" means invalidity, age, or survivors' benefit paid in the form of a pension as the case may require.

BENEFITS

SICKNESS BENEFIT

3. Entitlement. Subject to the provisions of these Regulations, sickness benefit shall be granted to an insured person who is rendered incapable of work as a result of some specific disease or bodily or mental disablement; and for this purpose an insured person shall be treated as incapable of work for any day during which he is required to abstain from

work because he is under observation by reason of being a carrier, or his having been in contact with a case of infectious disease.

Provided that no such sickness benefit shall be payable in the case of any person who is rendered incapable of work as a result of some specific disease or bodily or mental disablement arising out of and in the course of employment.

4. Day from which benefit is to commence; no entitlement after age 60. (1) An insured person who is eligible for sickness benefit shall not be entitled to receive such benefit for the first three days of any continuous period of incapacity for work but only as from the fourth day of any such period:

Provided that for the purpose of computing the first three days of any continuous period of incapacity for work—

- (a) public holidays shall be included;
- (b) Sundays shall be disregarded;
- (2) No insured person shall be entitled to sickness benefit on or after attaining the age of sixty years.
- 5. Manner of claiming and support of claim. A claim for sickness benefit shall be made in the prescribed manner and shall be supported by a certificate of a medical practitioner or by such other evidence as the Director may require for the purpose of establishing the insured person's incapacity for work.

Provided that the Director may, for such purpose require the claimant to attend for and submit himself to examination by one or more registered medical practitioners appointed by the Board.

- 6. Conditions which must be satisfied. Sickness benefit shall be payable only if the insured person-
 - (a) was engaged in employment as an employee pursuant to section 24 of the Law immediately prior to the day on which incapacity commenced; and
 - (b) had been insured for not less than thirteen contribution weeks; and
 - (c) had been employed in such employment during as least eight contribution weeks in the period of thirteen contribution weeks immediately preceding the contribution week in which the first day of the continuous period of incapacity for work occurred.

7. Duration. Sickness benefit shall be paid for each day, (excluding Sundays), as long as incapacity for work continues, subject to a maximum of twenty-six weeks in any continuous period of incapacity for work:

Provided that where the insured person concerned was engaged in employment (pursuant to section 24 of the Law) during at least one hundred and fifty contribution weeks and in the last three complete contribution years immediately prior to commencement of incapacity has had seventy-five contributions paid or credited, sickness benefit may be paid for a further twenty-six weeks in any continuous period of incapacity.

- 8. Rate of benefit. (1) The daily rate of sickness benefit shall be sixty percent of the average weekly insurable earnings of the insured person divided by six.
- (2) Average weekly insurable earnings for the purpose of this regulation shall mean the sum of the weekly insurable earnings on which contributions were based including any contributions credited in accordance with regulation 47 over the continuous calendar period of thirteen contribution weeks immediately preceding the week in which incapacity began or was deemed to have begun, divided by thirteen:

Provided that any two or more periods of incapacity for work not separated by more than eight weeks shall be treated as one continuous period of incapacity for work starting on the first day of the first of these periods and the daily rate of benefit so payable in respect of the later period or periods shall be the daily rate of benefit during the first period of incapacity.

- 9. Disqualification. (1) An insured person entitled to payment of sickness benefit shall be disqualified from receiving benefit for such period as the Director may decide, but not exceeding six weeks if
 - (a) the claimant has become incapable of work through his own misconduct; or
 - (b) the claimant fails, without good cause, to comply with a notice in writing by the Director requiring him to attend for and submit himself to medical or other examination; or
 - (c) the claimant fails, without good cause, to observe any of the following rules of behaviour, namely
 - to refrain from behaviour calculated to retard his recovery or to answer any reasonable enquiries by an officer of the Board directed to ascertaining whether he is doing so;
 - (ii) not to be absent from his place of residence without leaving word where he may be found; or
 - (iii) to do no work for which wages is or would ordinarily be payable,

(2) An insured person entitled to payment of sickness benefit shall be disqualified from receiving benefit for the full period during which he was in receipt of normal earnings from his employer in respect of absence due to illness.

MATERNITY BENEFIT

- 10. Entitlement. Subject to the provisions of these Regulations, maternity benefit shall be granted in the case of the pregnancy and confinement of a woman who is an insured person.
- 11. Conditions which must be satisfied. Maternity benefit shall be payable only if the woman had been insured for not less than thirty contribution weeks and had been engaged in employment as an employee pursuant to section 24, of the Law during at least twenty contribution weeks in the period of thirty contribution weeks immediately preceding the contribution week in which occurs the day which is six weeks before the expected date of confinement, or in which occurs the day from which the benefit is claimed, whichever is the later.
- 12. Duration. Subject to these Regulations, maternity benefit shall be granted to a woman for a period starting from a date not earlier than six weeks before the expected date of confinement and continuing until the expiration of—
 - (a) 12 weeks; or
 - (b) 6 weeks from the date on which confinement occurs whichever is the later.
- 13. Rate of benefit. (1) The daily rate of maternity benefit shall be sixty per cent of the average weekly insurable earnings of the insured person divided by six.
- (2) Average weekly insurable earnings for the purposes of this regulation shall mean the sum of the weekly insurable earnings on which contributions were based including any contributions credited in accordance with regulation 47 over the continuous calendar period of thirty contribution weeks previous to the week in which the benefit is due to commence, divided by tlurty.
 - 14. Support of claim. Claims for maternity benefit shall be accompanied-
 - (a) in the case of a claim made prior to the date of confinement by a certificate issued by a medical practitioner as to the expected date of confinement; or
 - (b) in the case of a claim made subsequent to the date of confinement, by a certificate issued by a medical practitioner or a midwife registered as such in Grenada, as to the actual date of confinement:

Provided that the Director may accept such other evidence in support of such claims as in his opinion the special circumstances of the particular case so justify, or may require the claimant to attend for and submit herself to examination by one or more registered medical practitioners appointed by the Board.

15. Certificate of confinement. An insured person who has been granted maternity benefit shall, as soon as possible after her confinement, obtain a certificate of her confinement from the medical practitioner or registered midwife who assisted thereat and forward it to the office of the Board within three weeks after the date of confinement:

Provided that the Director may accept other evidence in lieu of such certificate if, in his opinion, the special circumstances of any particular case so justify.

- 16. Disqualification. An insured person entitled to payment of maternity benefit shall be disqualified from receiving such benefit for such period as the Director may decide if during the period for which benefit is payable—
 - (a) she engages in remunerative work;
 - (b) she fails without good cause to take due care of her health, or to answer any reasonable inquiries by an officer of the Board directed to ascertain whether she is doing so; or
 - (c) she fails without good cause to comply with a notice in writing by the Director requiring her to attend for and submit herself to medical or other examination;
 - (d) she was in receipt of normal earnings from her employer for the period during which the benefit is otherwise payable.
- 17. Incapacity for work arising from complications of confinement. The provisions of these Regulations relative to sickness benefit shall apply in relation to a case where there is incapacity for work arising from pathological complications of confinement immediately following the cessation of rights to maternity benefit:

Provided that in such a case the condition of regulation 6 shall be applied in relation to the period immediately preceding the first day as from which maternity benefit was payable.

FUNERAL GRANT

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

- (a) at the time of death was in receipt of sickness or maternity benefit; or
- (b) whilst not in receipt of sickness or maternity benefit at the date of death, would have been entitled to one or the other but for the fact of death; or
- (c) at the time of death was receiving or had received or satisfied the contribution conditions for invalidity benefit or age benefit.
- 19. Persons who may receive grant. (1) Subject to these Regulations, funeral grant shall be paid to the person who has met or is liable to meet the cost of the funeral of the deceased person.

Where:

- (a) death occurred at sea and the deceased person was buried at sea; or
- (b) the person who has met or is liable to meet the cost of the funeral of the deceased person cannot be found; or
- (c) the cost of the funeral was less than the amount of the grant;

the grant or as the case may be, the remainder thereof, shall be paid to such person or persons as the Board may decide.

20. Amount of grant. The amount of the funeral grant shall be \$300.00.

INVALIDITY BENEFIT

- 21. Meaning of "invalid". For the purpose of these Regulations the term "invalid" means a person incapable of work as a result of a specific disease or bodily or mental disablement which is likely to remain permanent.
- 22. Entitlement to invalidity pension and rate thereof. (1) Subject to the provisions of these Regulations, an insured person who—
 - (a) is an invalid;
 - (b) has complied with the contribution conditions set out in paragraph (2); and
 - (c) is under sixty years of age;

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

Provided that a person who is permanently incapable of work as a result of a specific disease or bodily or mental disablement arising out of and in the course of employment shall not be considered an invalid for the purpose of this regulation.

- (2) Subject to the provisions of these Regulations, an insured person shall be entitled to invalidity pension if one hundred and fifty contributions have actually been paid in respect of such person.
- (3) The annual rate of pension shall be thirty per cent of the average annual earnings supplemented by one per cent of average annual insurable earnings for each unit of fifty contributions actually paid in respect of or credited to the insured person subsequent to the first five hundred of such contributions.

Provided that in no case shall invalidity pension exceed sixty per cent of the average annual insurable earnings.

(4) The weekly rate of pension shall be the annual rate of pension divided by fifty-two.

Provided that the sum so calculated shall be to the nearest multiple of ten cents.

- 23. Entitlement to invalidity grant and amount thereof. (1) Subject to the provisions of these Regulations, an insured person who does not satisfy the provisions of regulation 22 but who—
 - (a) is an invalid;
 - (b) has not less than fifty contributions paid or credited in respect of him; and
 - (c) is under sixty years of age;

shall be entitled to an invalidity grant.

(2) The invalidity grant shall be a lump sum grant equal to five times the average weekly insurable earnings for each fifty contributions actually paid in respect of or credited to the insured person.

MISCELLANEOUS PROVISIONS RELATING TO INVALIDITY BENEFIT

- 24. Extent to which contributions may be applied in respect of future claims benefit.

 (1) Should invalidity cease, the contribution taken into account for the purposes of invalidity grant shall not be applied towards the satisfaction of the contribution conditions for any subsequent claim to benefit of any description save only a funeral grant.
- (2) On cessation of an invalidity pension, nothing in these Regulations shall prevent the contributions on which the said invalidity pension was based from being taken

into account for the purposes of establishing title toward the rate of any subsequent invalidity pension or for age pension.

- 25. Average annual insurable earnings. The average annual insurable earnings for the purposes of regulation 22 stiall be one of the following:
- (1) Where more than three years have elapsed since the Appointed Day, it shall be the sum of weekly insurable earnings during the best three contribution years of the last ten contribution years of the insured person or such lesser number as represents the total number of contribution years since the Appointed Day, divided by three.
- (2) Where more than three years have not elapsed since the Appointed Day and the insured person was not a member of the Provident Fund, it shall be the sum of all the weekly insurable earnings since the Appointed Day divided by the number of weeks after the Appointed Day and multiplied by 52.
- (3) Where more than three years have not elapsed since the Appointed Day and the insured person was a member of the Provident Fund for a period which, along with the period since the Appointed Day makes it three years or more, it shall be the sum of all the weekly insurable earnings for the last three years divided by 3.
- (4) Where more than three years have not elapsed since the Appointed Day and the insured person was a member of the Provident Fund for a period which along with the period since the Appointed Day does not make it three years, it shall be the sum of all the weekly insurable earnings since the commencement of his membership of the Provident Fund divided by the number of weeks in such period and multiplied by 52.

Provided that for sub-paragraphs (3) and (4) of this regulation thirty times the Provident Fund contribution shall be deemed to be the insurable earnings of the period to which such contribution relate and a monthly contribution shall be deemed to be equal to contribution for four weeks.

26. Average weekly insurable earnings. Average weekly insurable earnings for the purposes of regulation 23 shall be the sum of weekly insurable earnings of the insured person divided by the number of weeks of contributions.

27. Certificate of permanent incapacity for work. All claims to invalidity benefit shall be accompanied by a certificate of permanent incapacity for work setting out the nature of the incapacity and completed by a medical practitioner:

Provided that the Director may require the claimant to attend for and submit himself to examination by one or more medical practitioners appointed by the Board.

- 28. Disqualification. An insured person entitled to payment of invalidity pension shall be disqualified from receiving such benefit for such period as the Director may decide, if—
 - (a) the claimant has become incapable of work through his own misconduct; or
 - (b) the claimant fails, without good cause, to comply with a notice in writing by the Director requiring him to attend for and submit himself to medical or other examination; or
 - (c) the claimant fails without good cause, to comply with a notice in writing by the Director to attend any course of rehabilitation training which is considered by the Director to be appropriate in his case;
 - (d) the claimant fails, without good cause, to observe any of the following rules of behaviour namely—
 - (i) to refrain from behaviour calculated to retard his recovery, or to answer any reasonable enquiries by an officer of the Board directed to ascertain whether he is doing so;
 - (ii) not to be absent from his place of residence without leaving word where he may be found; or
 - (iii) to do no work for which wages is or would ordinarily be payable.

AGE BENEFIT

- 29. Entitlement to age pension. Age pension shall be payable to an insured person who has attained the age of sixty years and—
 - (a) in respect of whom not less than one hundred and fifty contributions have been actually paid; and
 - (b) in respect of whom or to whom not less than five hundred contributions have been actually paid or credited as the case may be.

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- 30. Rate of pension. (1) The annual rate of pension shall be thirty percent of the average annual insurable earnings supplemented by—
 - (a) one percent of average annual insurable earnings for each unit of fifty contributions actually paid in respect of or credited to the insured person, subsequent to the first five hundred of such contributions:

Provided that in no case shall age pension exceed sixty percent of average annual insurable earnings.

(2) The weekly rate of age pension shall be the annual rate of pension divided by fifty-two:

Provided that the sum so calculated shall be to the nearest multiple of ten cents.

- 31. Entitlement to age grant. Subject to the provisions of these Regulations, an insured person who does not satisfy the provisions of regulation 29 but who—
 - (a) has attained the age of sixty years; and
- (b) has not less than fifty contributions paid in respect of or credited to him; shall be entitled to an age grant.
- 32. Amount of grant. The age grant shall be a lump sum grant equal to five times the average weekly insurable earnings for each completed fifty contributions actually paid in respect of or credited to the insured person.

TRANSITIONAL PROVISIONS • AGE PENSION

33. Special provisions for persons over fifty at appointed date. A person who is over the age of fifty years at the Appointed Day shall be granted special credited contributions for each year of age in excess of fifty years subject to a maximum special credit of three hundred and fifty contributions:

Provided that such special credits-

- (a) shall be awarded for age pension purposes only;
- (b) shall not be taken into account in assessing the average annual insurable earnings; and
- (c) shall only be used to the extent necessary to enable an insured person to qualify for an age pension of thirty percent of average annual insurable earnings; and



(d) shall be awarded only where the insured person was in insurable employment on the Appointed Day.

Provided further that in the case of a person insured under section 24(2) of the Law over the age of fifty years at the Appointed Day shall mean over the age of fifty years on the day he became a member of the Provident Fund.

MISCELLANEOUS PROVISIONS RELATING TO AGE BENEFITS

- 34. Average annual insurable earnings. The average annual insurable earnings for the purposes of Regulation 30 shall be one of the following:
- (1) Where more than three years have elapsed since the Appointed Day, it shall be the sum of weekly insurable earnings during the best three contribution years of the last ten contribution years of the insured person or such lesser number as represents the total number of contribution years since the Appointed Day, divided by three.
- (2) Where more than three years have not elapsed since the Appointed Day and the insured person was not a member of the Provident Fund, it shall be the sum of all the weekly insurable earnings since the Appointed Day divided by the number of weeks after the Appointed Day and multiplied by 52.
- (3) Where more than three years have not elapsed since the Appointed Day and the insured person was a member of the Provident Fund for a period which, along with the period since the Appointed Day makes it three years or more, it shall be the sum of all the weekly insurable earnings for the last three years divided by three.
- (4) Where more than three years have not elapsed since the Appointed Day and the insured person was a member of the Provident Fund for a period which along with the period since the Appointed Day does not make it three years, it shall be the sum of all the weekly insurable earnings since the commencement of his membership of the Provident Fund divided by the number of weeks in such period and multiplied by 52.

Provided that for sub-paragraphs (3) and (4) of this regulation thirty times the Provident Fund contribution shall be deemed to be the insurable earnings of the period to which such contributions relate and a monthly contribution shall be deemed to be equal to contributions for four weeks.

35. Average weekly insurable earnings. Average weekly insurable earnings for the purposes of regulation 32 shall be the sum of weekly insurable earnings of the insured person which can be taken into account having regard to the provisions of these Regulations divided by the number of weeks of contribution.

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SURVIVORS' BENEFIT

- 36. Entitlement rate and/or amount of benefits. (1) Subject to the provisions of these Regulations, survivors' benefit shall be payable to the widow or widower, as the case may be, and children of a deceased insured person if, at the time of his death, such insured person—
 - (a) was in receipt of invalidity pension or an age pension; or
 - (b) would have been entitled to an invalidity pension or grant had he been deemed to be an invalid at the time of his death; or
 - (c) was sixty years of age or over and would have been entitled to an age pension or grant had he made a claim for such benefit.
- (2) Where at the date of his death the deceased insured person was in receipt of an invalidity or age pension or would have been entitled to an invalidity pension had he been deemed to be an invalid, or to an age pension, the benefit payable shall be a pension, in these Regulations referred to as a "survivors' pension".
- (3) Where at the date of his death the deceased insured person would have been entitled to an invalidity grant had he been deemed to be an invalid or to an age grant, the benefit payable shall be a grant, in these Regulations referred to as a "survivors' grant".
- (4) Survivors' benefit shall not be payable in respect of a marriage contracted after the insured person had been granted an invalidity pension or an age pension.
 - (5) (a) The annual rate of survivors' pension shall not exceed the rate of invalidity or age pension which was payable or would have been payable to the deceased insured person at the time of his death.
 - (b) The amount of survivors' grant shall not exceed the amount of invalidity or age grant which would have been payable to the deceased person at the time of his death.
 - 37. Entitlement of widow to survivors' pension and duration thereof. (1) (a) A widow who at the date of her husband's death was fifty years of age or over and had been married to him for not less than three years shall be entitled to a survivors' pension for life.
 - (b) A widow who at the date of her husband's death was married to him for not less than three years and was at the date of his death an invalid shall be entitled to a survivors' pension for the period during which such invalidity continues.

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 - (c) A widow who at the date of her husband's death was not fifty years of age or over or was not an invalid or being fifty years or over had been married to him for less than three years, shall be entitled to a survivors' pension for a period of one year.
- (2) Where a pension payable to a widow pursuant to paragraph (1) (b) ceases otherwise than because of her remarriage or cohabitation, if she is then over the age of fifty years she shall be entitled to a survivors' pension for life.
- (3) Survivors' pension payable to a widow shall cease on her remarriage or cohabitation with a man as his wife.
- 38. Entitlement of widower to survivors' pension and duration thereof. A widower shall be entitled to a survivors' pension if at his wife's death—
 - (a) he and his wife had been married for not less than three years, and
 - (b) he was then an invalid, and
 - (c) he had been wholly or mainly maintained by his wife immediately prior to her death, and
 - (d) he had income less than the amount of survivors' pension to which he would otherwise have been entitled, from any source whether by way of pension or otherwise, and any such pension shall be payable so long as he continues to satisfy the aforesaid conditions as to invalidity and means:

Provided that the survivors' pension payable to a widower shall cease on his remarriage or cohabitation with a woman as her husband.

- 39. Entitlement of children to survivors' pension and duration thereof. (1) Survivors' pension shall be payable in respect of the unmarried children, including adopted children, step-children and illegitimate children of a deceased insured person who at the date of the parent's death were under the age of sixteen years and were living with or were wholly or mainly maintained by the deceased at the time of death.
- (2) A survivors' pension shall be payable in respect of a child until he attains his sixteenth birthday or his eighteenth birthday in the case of a child still attending school:

Provided that in the case of invalid children pension shall be payable for the period during which invalidity continues.

40. Rate of survivors' pension. (1) The rate of survivors' pension payable to the spouse shall be equal to one-half of the maximum pension available for payment to survivors.



(2) The rate of survivors' pension payable in respect of each child shall be equal to one-sixth of the maximum pension available for payment to survivors, except that in respect of any child who is an orphan or who is an invalid the rate of pension payable may be fixed at one-third of the maximum pension so available:

Provided that the aggregate of pensions payable to the spouse and children shall not exceed the maximum pension available for payment to survivors.

(3) Where no spouse is entitled to benefit, the full amount of survivors' pension may be paid in respect of the children of the deceased:

Provided always that the rate of pension payable in respect of each child shall not exceed the rate set out in paragraph (2).

- 41. Insufficiency of pension available for distribution to children. (1) Where the pension available for distribution in respect of the children of the deceased is insufficient to enable payment to be made in respect of all of the children the Board shall decide which of the children shall be granted survivors' pensions.
- (2) Where after the award of survivors' pensions there are children of the deceased who would be entitled to a pension but for the fact that the total pension had been fully committed, such children shall be entitled to survivors' pensions at any time when the total payments to survivors of the deceased amount to less than the maximum pension available;

Provided that the conditions set out in regulation 39 shall be satisfied.

- 42. Distribution of survivors' grant. Survivors' grant shall be distributed on the same basis as provided in regulation 40 for survivors' pension.
- 43. Meaning of "the husband" and "the wife". For the purposes of this Part in relation to survivors' benefit the expression "the husband" or "the wife" in relation to a person who has been married more than once refers only to the last husband or wife respectively.
- 44. Special treatment in case of survivors' benefit of persons living in certain associations. For the purposes of these Regulations

- (1) Where it is a condition for the title to survivors' benefit that-
- (a) a woman is the widow of an insured man the Director may treat a single woman or widow who was living with a single man or widower as his wife at the date of his death, as if she were in law his widow; or
- (b) a man is the widower of an insured woman, the Director may treat a single man or widower who was living with a single woman or widow as her husband at the date of her death, as if he were in law her widower;

Provided that the Director shall be satisfied that in all the circumstances he or she should be so treated.

MISCELLANEOUS PROVISIONS

45. Entitlement to more than one benefit. Notwithstanding that a person is entitled to two or more benefits under the Law at the same time, only one benefit shall be payable to much person. The benefit so payable shall be the benefit first awarded unless the other benefit is payable at a higher rate in which case he shall be paid the benefit at such higher rate.

Provided that-

- (a) if the last mentioned benefit ceases to be payable then nothing shall prevent the award of re-instatement of another benefit to which such person is entitled under the law;
- (b) a person who has already received an invalidity grant or grants shall not be disentitled to a further invalidity grant or to an age grant based on contributions actually paid in respect of or credited to him and not already taken into account for the said invalidity grant or grants received;
- (c) Survivors' grant or grants may be paid in respect of those otherwise entitled z notwithstanding that the relevant deceased insured person had in his lifetime received an invalidity grant or grants but the survivors' grant or grants shall be based only on contributions actually paid in respect of or credited to him and not already taken into account for the said invalidity grant or grants received;
- (d) nothing in this regulation shall preclude the full duplication of sickness benefit or maternity benefit with survivors' benefit;
- (e) any other benefit may be duplicated in full with funeral grant,

- SRO. 6
- 46. Refund of benefit improperly paid. (1) If it is found that any person has received any sum by way of benefit to which he is not entitled he shall be liable to repay to the Fund the sum so received by him.
- (2) Where any person is liable to repay any sum received by him by way of benefit that sum may be recovered without prejudice to any other remedy, by means of deductions from any other benefit to which he thereafter becomes entitled.
- (3) Any such sum not so recovered shall be treated as expenditure on, and charged to, the Fund.
- 47. Credited contributions. (1) For every contribution week for the whole of which an insured person received any of the following or any combination of such benefits, namelv-Scheme
 - (a) Sickness benefit;
 - (b) Maternity benefit;

a contribution shall be credited to that person without actual payment thereof.

- (2) The provisions of paragraph (1) shall be applied in the case of an insured person who but for the application of regulation 4(1) and would have been entitled to receive sickness benefit.
- (3) A credited contribution shall, subject to these Regulations, be valid for sickness, maternity, invalidity and age benefit and shall be at the level of weekly insurable earnings corresponding to that on the basis of which the benefit had been paid:

Provided that where benefit was payable at different rates during the contribution week the credited contribution for that week shall be at the level of weekly insurable earnings corresponding to or most closely corresponding to the higher level of weekly insurable earnings on the basis of which benefit was so payable.

- 48. Special provisions relating to persons absent abroad. Except as hereinafter provided, a person shall be disqualified for receiving any benefit for any period during which that person is absent from Grenada save that-
 - (a) a person shall not be disqualified for receiving sickness or maternity benefit by reason of being temporarily absent from Grenada for the specific purpose of being treated for incapacity which commenced before he left Grenada during such period as the Director may allow having regard to the particular circumstances of the case.

- (b) a person shall not be disqualified for receiving age benefit, or survivors' benefit by reason of being absent from Grenada;
- (c) a person shall not be disqualified for receiving invalidity benefit by reason of being absent from Grenada for such period as the Director may allow having regard to the particular circumstances of the case:

Provided that entitlement to the invalidity benefit was established before the person left Grenada.

- 49. Payment of benefit for which person is eligible under regulation 48. Benefit for which a person is eligible by virtue of regulation 48 shall be paid in Grenada to such representative acting for and on behalf of the person concerned as may be approved by the Director.
- 50. Special provision relating to person undergoing imprisonment or detention in legal custody. (1) Subject to paragraph (2) a person shall be disqualified for receiving any benefit for any period during which that person is undergoing imprisonment or detention in legal custody.
- (2) Where the Board is satisfied that the person undergoing such imprisonment or detention in legal custody has dependants who, immediately prior to such imprisonment or detention were wholly or mainly maintained by him, it may authorise payment to or in respect of an amount not exceeding one half of the benefit which would otherwise be payable during such a period as the Board may allow having regard to the particular circumstances of the case.
- 51. Contributions to Provident Fund. If a person insured under section 24(1)(a) of the Law is in insurable employment on or after the Appointed Day, the provisions of these regulations shall be modified in his case to the following extent:
 - (a) where it is a condition of eligibility to benefit that he should have been insured or employed for not less than a specified period, the period for which contributions were being paid by him or on his behalf to the Provident Fund immediately preceding the Appointed Day shall also count for satisfying the eligibility condition.
 - (b) Where for eligibility to benefit a certain number of contributions are required to have been paid during a period, such period may include a period preceding the Appointed Day.
 - (c) The Provident Fund contributions paid in the period preceding the Appointed Day referred to in paragraph (b) above, shall count as under:

For eligibility to invalidity, survivors or age benefit, a person will be given credit of as many weekly contributions as the number arrived at by dividing the amount to his credit in the Provident Fund on the day preceding the Appointed Day by an amount equal to his average contribution rate in the first 13 weeks of insurable employment after the Appointed Day, fraction below ½ being ignored and ½ and above being rounded up to the next higher number:

Provided that where an insured person attains the age of 60 years in less than 13 weeks after the Appointed Day, the denominator for the division mentioned in the paragraph above, shall be the average of all the contribution weeks from the Appointed Day to the attainment of age 60 instead of the average of the first 13 weeks as mentioned in paragraph (a) above.

Provided further that for the purpose of the first proviso above the weekly wages after the Appointed Day shall be assumed to be the same as before the Appointed Day if in any case they are lower than the wages preceding the Appointed Day.

- (d) Where the rate of any benefit is expressed in terms of the average insurable carnings over a period, such period may include a period preceding the Appointed Day.
- (e) For the period preceding the Appointed Day the insurable earnings shall be deemed to be thirty times the Provident Fund contributions paid during the said period and a monthly contribution shall be deemed to be equal to the contributions for four weeks and for all calculations in this context a year shall count as twelve months or fifty-two weeks.
- 52. Commencement. These Regulations shall come into operation on the Appointed Day.

Dated this 28th day of March, 1983.

SELWYN STRACHAN

Minister.

Wational Insurance Scheme Grenada

Wational Insurance

REGULATION

- Short title
- 2. Interpretation
- 3. Exemption from liability to pay contribution in certain circumstances
- 4. Disposal of contributions improperly paid
- 5. Return of contributions paid in error
- Treatment for purpose of any benefit of late paid or unpaid contributions without consent, connivance or negligence of employee
- Treatment for purpose of any benefit of contributions paid late through ignorance or error
- 8. Treatment for purpose of sickness or maternity benefit of late paid contributions
- Treatment for purpose of age benefit or invalidity benefit of late paid contributions
- 10. Treatment for the purpose of a funeral grant of a late paid contribution
- 11. Refund of contributions to certain elderly entrants
- 12. Commencement

National Insurance Scheme Grenada

GRENADA STATUTORY RULES AND ORDERS NO. 7 OF 1983

REGULATIONS MADE BY THE MINISTER RESPONSIBLE FOR SOCIAL SECURITY IN EXERCISE OF THE POWERS CONFERRED UPON HIM UNDER SECTION 37 OF THE NATIONAL INSURANCE LAW, 1983.

(Gazetted 31st March, 1983).

1. Short title. These Regulations may be cited as the

NATIONAL INSURANCE (CONTRIBUTIONS) REGULATIONS, 1983

- 2. Interpretation. For the purposes of these Regulations-
 - "Appointed Day" means the day appointed by the Minister pursuant to section 1 of the Law:
 - "Benefit Regulations" means the National Insurance (Benefit) Regulations 1983;
 - "Collection Regulations" means the National Insurance (Collection of Contributions) Regulations 1983;
 - "Contribution" means the contribution of the employer or employee as the case may be, payable under the Law;
 - "Contribution Year" has the meaning assigned to it in regulation 2 of the Collection Regulations 1983;
 - "due date" means, in relation to any contributions, the date on which that contribution was due to be paid;
 - "Law" means the National Insurance Law, 1983.
- 3. Exemption from and liability to pay contribution in certain circumstances. (1) An employee and his employer shall be exempted from liability to pay contributions for any contribution week—

- (a) in which no work is done by the employee and the employee receives no wages in respect of the period; or
- (b) for the whole of which the employee receives any of the benefits provided under regulation 47 of the Benefit Regulations;
- (c) for any contribution week during which an employee is engaged in full-time unpaid apprenticeship.
- (2) Nothing in paragraph (1) shall be deemed to affect the liability of an employee and his employer to pay contributions for any contribution week in which the employee is on leave if contributions are normally payable with respect to the employment of such person.
- (3) Where in any contribution week a person is engaged in employment of a casual and non-continuing nature involving work of less than twenty hours and receives earnings of less than ten dollars there shall be no liability for the payment of a contribution by or in respect of that person for that contribution week.
- 4. Disposal of contributions improperly paid. Where contributions are paid which are at the wrong rate, the Board may treat them as paid on account of the contributions properly payable.
- 5. Return of contributions paid in error. (1) Subject to the provisions of regulation 4 and of this regulation, any contributions paid by a person or his employer (if any) under the erroneous belief that the contributions were payable by, or in respect or on behalf of that person, shall be returned by the Board to that person or his employer, as the case may require, if application to that effect is made in writing within the appropriate time specified in paragraph (4).
- (2) In calculating the amount of any repayment to be made under this regulation to such a person or an employer, there shall be deducted—
 - (a) in the case of employer's contributions and contributions as an insured person, the amount of any contributions paid under erroneous belief as aforesaid which have, under the provisions of regulation 4, been treated as paid on account of other contributions; and
 - (b) in the case of contributions as an insured person, the amount, if any, paid to that person (and to any other person on the basis of the erroneous belief) by way of benefit which would not have been paid had the contributions (in respect of which an application for their return is duly made in accordance with paragraph (4)) not been paid in the first instance.

- (3) A person desiring to apply for the return of any contribution paid under erroneous belief as aforesaid shall make the application in such form and in such manner as the Board may from time to time determine, and any such application shall be made—
 - (a) if the contribution was paid at the due date, within two years from the date on which that contribution was paid; or
 - (b) if the contribution was paid at a later date than the due date, within two years from the due date or within twelve months from the date of actual payment of the contribution, whichever period ends later.
- (4) In this regulation the expression "due date" means the date on which the contribution, if it had been payable, would have been due to be paid.
- (5) In its application to contributions payable under Part 1 of the Collection Regulations, this regulation shall have effect subject to the following provisions, namely—
 - (a) the time within which the application shall be made by a person desiring to apply for the return of any such contribution paid under erroneous belief as aforesaid, shall be two years from the end of the contribution year during which the contribution was paid or such longer time as the Board may allow if it is satisfied that that person had good cause for not applying within those two years;
 - (b) the provisions of this paragraph shall apply to any part of a contribution as they apply to that contribution.
- 6. Treatment for purpose of any benefit of late paid or unpaid contributions without consent, connivance or negligence of employee. (1) Where a contribution payable by an employer in respect or on behalf of an employee is paid after the due date or is not paid, and the delay or failure in making payment thereof is shown to the satisfaction of the Board not to have been with the consent or connivance of, or attributable to any negligence on the part of the employee, the contribution shall, for the purpose of any right to benefit, be treated as paid on the due date.
- (2) The provisions of regulations 8, 9 and 10 shall in their application to a contribution payable by an employer on behalf of an employee, have effect subject to the provisions of this regulation.
- 7. Treatment for purpose of any benefit of contributions paid late through ignorance or error. In the case of a contribution paid after the due date, where—

- (a) the contribution is paid after the time when it would, under the following provisions of these Regulations, have been treated as paid for the purposes of the right to a benefit; and
- (b) the failure to pay the contribution before that time is shown to the satisfaction of the Board to be attributable to ignorance or error on the part of the insured person which was not due to any failure on his part to exercise due care and diligence;

the Board may direct that for the purpose of the provisions of regulations 9 and 10 the contributions shall be treated as having been paid on such earlier day as it may consider appropriate in the circumstances and those provisions shall have effect subject to any such direction.

- 8. Treatment for purpose of sickness or maternity benefit of late paid contributions. Subject to regulation 6, for the purpose of any right to sickness or maternity benefit a contribution paid after the due date shall be treated.
 - (a) if paid after the commencement of incapacity for work and whilst incapacity continues or during the period for which maternity benefit would otherwise be payable, as the case may be, as not paid in respect of any day before the expiry of a period of forty-two days (including Sundays) from and including the date on which payment of that contribution is made and as paid at the expiry of that period in relation to the right to such benefit in respect of any other day;
 - (b) if paid after the cessation of incapacity for work or the said period, as the case may be, as not paid.
- 9. Treatment for purpose of age benefit or invalidity benefit of late paid contributions. Subject to regulations 6 and 7, for the purpose of any right to age benefit or of invalidity benefit, a contribution paid after the due date shall be treated—
 - (a) if paid before the expiration of twelve months next following the end of the contribution year in which it became payable, as paid on the due date;
 - (b) if paid at any other time, as not paid.
- 10. Treatment for the purpose of a funeral grant of a late paid contribution. Subject to regulations 6 and 7 for the purpose of any right to a funeral grant, a contribution paid after the due date shall be treated as not paid if the contribution is paid after the date of the death of the person in respect of whom the grant is claimed.

- 11. Refund of contributions to certain elderly entrants. (1) Where an employee attains the age of sixty years on a date not more than thirteen contribution weeks after he becomes an employee then, for each contribution paid in respect of any contribution week falling within the said thirteen contribution weeks, he shall after attaining the age of sixty years, be entitled to a refund of the employee's contributions.
- (2) Where an employee attains the age of sixty years on a date not more than 49 weeks after he becomes an employee then, for each contribution paid in respect of him, he shall be entitled to a refund of that element of the contribution which represents age, invalidity and survivors' benefit.
- (3) An application for a refund under this regulation shall be in writing addressed to the office of the Board and shall be made-
 - (a) in respect of an application under paragraph (1) within three months from the date on which the employee attained sixty years; and
 - (b) in respect of an application under paragraph (2), within two years from the date on which the employee attained the age of sixty years, or such longer period as the Board may allow, if it is satisfied that that person had good cause for not submitting an application within the specific time.
- 12. Commencement. These Regulations shall come into operation on the Appointed Day.

Dated this 28th day of March, 1983.

SELWYN STRACHAN

Minister.

Wational Insurance Scheme Grenada

Wational Insurance

REGULATION

- Short title
- Interpretation
- 3. Notices etc. may be sent by post

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- Rates of contributions
- 5. Liability for contributions on attaining age 16 and 60
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- 7. Authority to deduct employee's contribution from emolument
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- Maintenance of records
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Wational Insurance Scheme Grenada

Wational Insurance

GRENADA

STATUTORY RULES AND ORDERS NO. 8 OF 1983

REGULATIONS MADE BY THE MINISTER RESPONSIBLE FOR SOCIAL SECURITY IN EXERCISE OF THE POWER CONFERRED ON HIM UNDER PART IV AND SECTION 65 OF NATIONAL INSURANCE LAW, 1983.

(Gazetted 31st March, 1983).

1. Short title. These Regulations may be cited as the

NATIONAL INSURANCE (COLLECTION OF CONTRIBUTIONS) REGULATIONS, 1983

- 2. Interpretation. In these Regulations-
 - "Appointed Day" means the day so appointed for section 1 of the Law;
 - "contribution year" means the period of 52 or 53 weeks beginning with the first Monday in any calendar year after 1983 and ending on the Sunday immediately before the first Monday of the succeeding calendar year, but in relation to 1983, it means the period beginning with the first Monday occurring on or after the Appointed Day and ending on the Sunday immediately before the first Monday in 1984;
 - "Registration Regulations" means the National Insurance (Registration of Employers and Employees) Regulations, 1983, and
 - "termination of employment" means the day on which the employment actually comes to an end, whether such termination is in accordance with terms of the contract or not, and whether or not the employment is to be resumed at a later date.
- 3. Notices etc. may be sent by post. Any notice, application, card or other document which is authorised or required to be given, presented, issued or delivered under these Regulations may be sent by pre-paid post.

PART I

PAYMENT OF CONTRIBUTION

4. Rates of contributions. (1) In respect of each weekly or fortnightly or monthly period beginning on or after the Appointed Day, for which an employee receives earnings, the employer shall pay for such weekly, fortnightly or monthly period a contribution as set out in Part I of the Schedule hereto in relation to the wages or earnings paid to the employee during or immediately after the end of that period.

Provided that-

- (a) if the earnings of an employee are not fixed on a time basis the total amount of the wages paid to him or immediately after the specific period for which contributions are to be paid may be taken into account; and
- (b) if the earnings of an employee are paid on a time basis other than weekly, fortnightly or monthly, they shall be converted to such basis by simple proportion, or in such other way as the Director may determine.
- (2) For the purpose of determining the earnings of an employee under paragraph (1) there shall be included all gross earnings received in cash by or on behalf of the employee, including—
 - (a) overtime payment;
 - (b) cost of living bonus;
 - (c) additional payments in respect of dependents;
 - (d) supplements for long service in industry or efficiency;
 - (e) commission on sales or similar payments;
 - (f) gratuities paid by the employer;
 - (g) payments for night or shiftwork;
 - (h) production bonus;
 - danger or dirt money or similar payments;
 - (j) service charges;
 - (k) any employee's liabilities (including tax) paid on his behalf by the employer; and

(1) holiday pay or other amounts set aside out of the employee's remuneration throughout the year or part of the year to be paid to him periodically:

Provided that-

- (i) in the case of payment specified under sub-paragraphs (k) and (l) the amounts paid or set aside shall be included in the related earnings for the appropriate period for which contribution would have been payable had the amounts not been so paid or set aside; and
- (ii) in the case of payments specified under sub-paragraphs (a) to (j) inclusive the amounts so received shall if they are not paid together with the earnings for the period for which they were due, be included in the earnings for the period in, or immediately after which they are paid.
- (3) With a view to securing that liability for payment of contributions is not avoided or reduced by an employer using any pay practice which is abnormal for the employment, the Board, whether or not an application has been made in that regard, may if it thinks fit, determine any question in relation to the payment of contributions where any such practice has been or is being followed in like manner as if the employer concerned had not followed such abnormal practice but had followed a practice normal for the employment in question.
- 5. Liability for contributions on attaining age 16 and 60. There shall be liability for for a contribution under the Law—
 - (a) in the case of employees attaining the age of sixteen years, for the week in which the employee reaches that age; and
 - (b) in the case of employees attaining the age of sixty years for the week in which the employee reaches that age.
- 6. Time and deduction of contributions. (1) Any employer liable to pay contributions on behalf of an employee shall, except as hereinafter provided, deduct these contributions before paying the employee the earnings in respect of the period for which contributions are payable.
- (2) Where earnings are paid in advance for any period the employer shall deduct contributions in advance for that period before the payment of the earnings.
- (3) In addition to any other requirements, the employer shall, where the employment of an employee is terminated, pay all contributions due from the employer but still

outstanding in respect of any insured person within fourteen days after the end of the month in which the employment is terminated.

- (4) The Board may, if it thinks fit and subject to such terms and conditions as it may impose, approve any arrangements whereby contributions are paid at times and in the manner other than those prescribed by these Regulations and any such arrangements may include provisions for the payment of such fees as may be determined by the Board to represent the estimated additional expenses in administration of the Board.
- (5) As a condition of authorising the payment of any contribution on a date later than that upon which the contribution would, apart from such authorisation under paragraph (4), be due to be paid, the Board may require the making of such deposit of money by way of security as the Board may approve.
- (6) Paragraphs (4) and (5) shall, subject to the provisions of any such arrangements, apply to any person affected by such arrangements, and any contravention of or failure to comply with any requirement of any such arrangement shall be deemed to be contravention of or failure to comply with these Regulations.
- 7. Authority to deduct employee's contribution from emolument. (1) Every employer on making any payment of emoluments during any year to any employee shall deduct contributions in accordance with Part II of the Schedule hereto.
- (2) An employer shall not be entitled to recover any contributions paid by him on behalf of an employee otherwise than by deduction in accordance with the Law or any Regulations made thereunder.
- 8. Calculation of deduction. (1) On the occasion of any payment of emoluments to the employee, the employer may deduct the amount of the contributions based thereon, which the employee is liable to pay under these Regulations, from the emoluments on making the payment in question:

Provided that where two or more payments of emoluments fall to be aggregated, the employer may deduct the amount of the contribution based thereon which are payable by the employee either wholly from one said payment or partly from one and partly from the other or any one or more of the others.

(2) If by reason of any error made in good faith the employer on making any c payments of emolument to an employee fails to deduct therefrom the full amount of contributions which he is entitled to deduct he may recover the amount so under-deducted

by deduction from any subsequent payment of emoluments to that employee in accordance with section 30 of the Law.

Provided that-

- (a) the amount that may be deducted from any payment or from any payment which falls to be aggregated shall be in addition to but shall not exceed the amount deductible therefrom under other provisions of these Regulations, unless the employee has given his written consent for a deduction of a higher amount; and
- (b) for the purpose of regulations 11 and 12 an additional amount which may be deducted by virtue of this paragraph shall be treated as an amount deductible under these Regulations only in so far as the amount of the corresponding under-deduction has been so treated.
- (3) The employer shall record either on a deduction card or in such other form as may be authorised by the Director the following particulars regarding every payment of emoluments which he makes to an employee, namely—
 - (a) the contribution period(s) and dates to which the payment relates;
 - (b) the gross amount of the emoluments;
 - (c) the contribution which may be deducted from the emoluments otherwise than under paragraph (2);
 - (d) the contributions which are payable by the employer in respect of the emoluments additional to the amount payable under sub-paragraph (c) and in accordance with the Schedule hereto; and
 - (e) the total of contributions under sub-paragraphs (c) and (d);

Provided that where two or more payments fall to be aggregated, the employer, instead of recording the amount of each contribution which may be deducted from the emoluments included in each payment, may record the total amount of the contributions which may be deducted from those payments.

9. No deduction card held by employer. If the employer makes any payment of emoluments to an employee in respect of whom he does not hold a deduction card and that payment is a payment of emoluments in respect of which contributions are payable, he shall deduct the amount of the contributions based thereon which are payable by the employee and shall keep records of such deductions which he shall prepare for the purpose as if the payment was one to which regulation 8 applies and shall do likewise on making any subsequent payment of emolument to the employee.

- 10. Tax free emoluments. Where the employer makes a payment to or for the benefit of the employee in respect of the employee's income tax the amount of the emoluments which the employer pays to the employee shall be deemed for the purpose of these Regulations to be such a sum as will include the amount of the payment made by the employer in respect of the employee's income tax.
- 11. Payment of contributions by employer. (1) Within fourteen days after the end of each month the employer shall pay, by means acceptable to the director, contributions deductible by the employer under these Regulations from emoluments paid by him during such month (other than amounts deductible by virtue of regulation 8(2), which he did not deduct) together with the appropriate amount by way of employers' contributions:

Provided that the employer shall for the purpose of this paragraph be deemed to have deducted from the last of any number of payments of emoluments which fall to be aggregated the amount of contributions deducted from these payments which he did not deduct from earlier payment or payments.

- (2) The Director shall give the employer a receipt for the total amount paid.
- (3) If the employer, by reason of an error made in good faith, has paid to the Director on account of contributions under this regulation an amount which he was not liable so to pay, the amount which he was liable so to pay subsequently in respect of other payments of emoluments made by him shall be reduced by the amount so overpaid:

Provided that if there was a corresponding over-deduction from any payment of emoluments to any employee, this paragraph shall apply only in so far as the employer has accounted to him therefor.

- 12. Employer failing to pay contributions. (1) If within fourteen days after the end of any month—
 - (a) the employer has paid no amount of contributions under regulation 11 to the Director for that month and the Director is unaware of the amount, if any, which the the employer is liable so to pay, or
 - (b) the employer has tendered in payment an amount which the Director has reasonable cause to believe is less than the employer is liable to pay in respect of such month,

the Director may give notice to the employer requiring him to render, within the time specified in the notice, such time being not less than five days, a written return showing the name of every employee to whom he made any payment of emoluments in the period

from the preceding first day of January to the last day of the previous month together with the following particulars regarding each employee—

- (i) every payment of emoluments made to him during that period;
- (ii) the total amount of contributions which the employer was entitled to deduct during the period and which the employer is liable to pay to him for that month;
- (iii) the total amount of contributions which were payable by the employer in addition to the amount deductible under sub-paragraph (ii); and
- (iv) such other details and information as will enable the Director to ascertain the correctness or otherwise of the amounts.
- (2) The Director shall ascertain and certify the amount of contributions which the employer is liable to pay him in respect of the month in question.
- (3) The production of the return made by the employer under paragraph (1) and of the certificate of the Director under paragraph (2) shall be good and sufficient evidence that the amounts shown in the said certificate is the amount of contributions which the employer is liable to pay to the Director in respect of the month in question, and any document purporting to be such a certificate as aforesaid shall be deemed to be such a certificate until the contrary is proved.

PART II

MISCELLANEOUS

- 13. Maintenance of records. Each employer shall maintain a record additional to that on a deduction card showing in respect of each person employed by him—
 - (a) the dates on which the employment starts and finishes; and
 - (b) the date and amount of each payment of emoluments.
- 14. Return by employer. (1) Not later than fourteen days after the end of every year the employer shall render to the Director in such form as the Board may approve or prescribe a return in respect of each employee containing such particulars as the Board may require for the identification of the employee and showing—
 - (a) the total amount of contribution deductible from the emoluments paid by him to the employer during the year;

- (b) the total amount of contributions payable during the year by the employer in respect of the employee in accordance with the Schedule thereto.
- (2) The said return shall be accompanied by a declaration and statement in a form approved by the Board containing a list of all deduction cards issued by the Director or prepared by the employer in accordance with regulation (5) of the National Insurance (Registration of Employers and Employees) Regulations, in respect of that year, together with a certificate of the correctness thereof.
- (3) Where the employer is a body corporate the declaration and the certificate referred to in paragraph (2) shall be signed either by the Secretary or by a Director of the said body corporate.
- (4) A return shall be made under this regulation in respect of every employee in respect of whom a deduction card has been either issued to the employer by the Director or prepared by the employer in accordance with the Registration Regulations, or to whom the employer has at any time during the year made a payment of emoluments in respect of which contributions were payable.
- (5) If within fourteen days after the end of the year, an employer has failed to pay to the Director the total amount of contributions which he is liable so to pay, the Director may prepare a certificate showing the amount of contributions remaining for the year. The certificate of the Director that any amount of contributions such as is mentioned in the paragraph have not been paid to him, or to the best of his knowledge and belief to any other person to whom it might lawfully be paid shall be sufficient evidence in any court that the sum mentioned in the certificate is unpaid and due to the Board and any document purporting to be such a certificate until the contrary is proved:

Provided that nothing in this paragraph shall prejudice the right of the Director to recover from the employer any sams subsequently found to be due by the employer in respect of that year.

- 15. Inspection of documents. (1) Every employer whenever called upon to do so by an Inspector designated under section 13 of the Law or other authorised Officer of the Board shall produce to such Inspector or other authorised Officer for inspection at the employer's premises—
 - (a) all wages sheets, deduction cards and other documents and records whatsoever of the emoluments of his employees in respect of the years or months specified by such Inspector or other Officer in relation to the deduction of

contributions deductible from such emoluments or to the payment of the employer's contributions in respect of such emoluments; or

- (b) such of the said wages sheets, deduction cards or other documents and records as may be specified by the Inspector or other authorised Officer.
- (2) The Director by reference to the information obtained from inspection of the documents and produced under paragraph (1) may on the occasion of each inspection prepare a certificate setting out—
 - (a) the amount of contributions which the employer is liable to pay to the Director for the said years or months in accordance with the documents so produced; and
 - (b) any amount of contributions which have not been paid to him, or to the best of his knowledge and belief, to any person to whom it might lawfully be paid.
- (3) The production of a certificate such as is mentioned in paragraph (2) shall be sufficient evidence in any court that the employer is liable to pay to the Director in respect of the years or months mentioned in the certificate the amount shown therein pursuant to paragraph (2) and any document purporting to be such a certificate shall be deemed in any court to be such a certificate until the contrary is proved.
- 16. Death of an employer. If an employer dies, anything which he would have been liable to do under these Regulations shall be done by his personal representatives; in the event of the death of an employer who paid emoluments on behalf of another person, the said things shall be done by the person succeeding him or if no person succeeds him, by the person on whose behalf he had paid emoluments.
- 17. Succession to a business. (1) This regulation applies where there has been a change in the employer from whom an employee receives emoluments in respect of his employment in any trade, business, concern or undertaking or in connection with any property.
- (2) Where this regulation applies in relation to any matter arising after a change of employer, the employer after the change shall be liable to do anything which the employer before the change would have been liable to do under these Regulations if the change had not taken place;

Provided that the employer after the change shall not be liable for the payment of any contributions which were deductible from emoluments paid to the employee before, unless they were also deductible from emoluments paid to the employee after the change took place or of any corresponding employer's contribution.

SRO. 8 National Insurance (Collection of Contributions) Regulations 1983

- 18. Penalties. (1) If an employer fails to pay any moneys due under regulation 11 within the time prescribed, those moneys shall be subject to a surcharge of ten per cent in addition to an interest charge of one per cent per month and these charges shall be without prejudice to any other penalties to which such employer may be liable under paragraph (2).
- (2) If any person fails to comply with any of these Regulations he shall be guilty of an offence and liable to a fine not exceeding one hundred dollars and where the offence is a continuing one after conviction thereof to a fine of one hundred dollars together with a further fine not exceeding one hundred dollars for each day on which it is so continued.
- 19. Commencement. These Regulations shall come into operation on the Appointed Day.

SCHEDULE

(Regulations 4 and 7)

RATES OF CONTRIBUTIONS

PART I

EMPLOYERS

Description of Employees

Rates of Contributions

Employees under the age of 16 years

Employees who have attained the age of 16 but not attained the age of 60 years

4% of employees' earnings up to a maximum of \$288 per week or \$576 per fortnight or \$1 250 per month

Nil

Employees who have attained the age of 60 years

Nil

PART II

EMPLOYEES

Description of Employees

Rates of Contributions

Employees under the age of 16 years

Employees who have attained the age of 16 but not attained the age of 60 years

4% of employees' earnings up to a maximum of \$288 per week or \$576 per fortnight or \$1 250 per month.

Nil

Aglional Insurance Scheme Grey Employees who have attained the age of 60 years.

Nil

Dated this 28th day of March, 1983.

SELWYN STRACHAN Minister. Wational Insurance Scheme Grenada

Wational Insurance

REGULATION

Short title

Interpretation

Continuation of employment outside Grenada to be treated as insurable employment

Treatment of certain person ordinarily resident in Grenada

Appoint Appoin Insurance of certain persons outside Grenada at Appointed Day

Commencement

Wational Insurance Scheme Grenada

Wational Insurance

GRENADA

STATUTORY RULES AND ORDERS NO. 9 OF 1983

REGULATIONS MADE BY THE MINISTER RESPONSIBLE FOR SOCIAL SECURITY IN EXERCISE OF THE POWERS CONFERRED ON HIM BY SECTION 24 OF THE NATIONAL INSURANCE LAW, 1983.

(Gazetted 31st March, 1983).

1. Short title. These Regulations may be cited as the

NATIONAL INSURANCE (PERSONS ABROAD) REGULATIONS, 1983

- 2. Interpretation. For the purposes of these Regulations,
 - "Appointed Day" means the day appointed by the Minister pursuant to section 1 of the Law:
 - "Collection Regulations" means the National Insurance (Collection of Contributions) Regulations, 1983;
 - "contribution year" has the meaning assigned to it in the Collection Regulations;
 - "insured person" means a person insured under the Law;
 - "Law" means the National Insurance Law, 1983.
- 3. Continuation of employment outside Grenada to be treated as insurable employment.
- (1) Where a person in insurable employment pursuant to section 24 of the Law ceases to be so employed in Grenada but is employed, whether by the same or different employer, outside Grenada in continuation of such employment, that employment outside Grenada shall, subject to the provisions of these Regulations, be treated as insurable employment pursuant to section 24 of the Law for the period for which contributions are payable under sub-paragraph (a) of paragraph (2):

Provided that the employer has a place of business in Grenada and the person concerned is ordinarily resident in Grenada.

(2) Where under paragraph (1) employment outside Grenada is treated as insurable employment pursuant to Section 24 of the Law, contributions shall be payable at the

appropriate rates specified in the schedule to the Collection Regulations:

Provided that such contribution shall be payable in respect of such employment-

- (a) during the period of twelve months from the commencement thereunder; or
- (b) until the employment ceases; or
- (c) until either of the conditions set out in the proviso to paragraph (1) ceases to be satisfied,

whichever event occurs first.

- 4. Treatment of certain person ordinarily resident in Grenada. A person employed as a member of the diplomatic or consular service of Grenada or as a domestic worker employed by a member of such service shall, if such a person is ordinarily resident in Grenada, be treated as an insured person and regulations under the Law shall apply in respect of such person accordingly.
- 5. Insurance of certain persons outside Grenada at Appointed Day. Where a person is employed in employment outside Grenada immediately prior to the Appointed Day which would have been treated as an insurable employment pursuant to section 24 of the Law by virtue of the provisions of regulation 3 had the employment outside Grenada commenced on or after the Appointed Day, that employment outside Grenada shall be treated as insurable employment pursuant to section 24 of the Law and the provisions of regulations 3 shall apply:

Provided that where any such person commenced the said employment outside Grenada on a date more than twelve months prior to the Appointed Day, the provisions of this regulation shall not apply to him.

6. Commencement. These Regulations shall come into operation on the Appointed Day.

Dated this 28th day of March, 1983.

SELWYN STRACHAN

Minister.

GRENADA

STATUTORY RULES AND ORDERS NO. 10 OF 1983

ORDER MADE BY THE MINISTER WITH RESPONSIBILITY FOR SOCIAL SECURITY UNDER THE AUTHORITY OF SECTION 1 OF THE NATIONAL INSURANCE LAW, 1983.

(Gazetted 31st March, 1983).

1. Short title. This Order may be cited as the

NATIONAL INSURANCE (APPOINTED DAY)

ORDER, 1983.

2. Appointed Day. In the exercise of the powers vested in me as the Minister responsible for Social Security by Section 1 of the National Insurance Law, 1983 (People's Law No. 14 of 1983) I hereby appoint the 4th day of April, 1983 to be the appointed day for the purposes of the said Law.

Dated this 28th day of March, 1983.

SELWYN STRACHAN Minister. Wational Insurance Scheme Grenada

Wational Insurance

(Amendment) Regulations

GRENADA

STATUTORY RULES AND ORDERS NO. 23 OF 1985

REGULATIONS MADE BY THE MINISTER IN EXERCISE OF THE POWERS CONFERRED ON HIM BY AND UNDER PART V AND SECTION 65 OF THE NATIONAL INSURANCE LAW, 1983 (LAW NO. 14 OF 1983).

(Gazetted 13th December, 1985).

Short Title. These regulations may be cited as the

NATIONAL INSURANCE (BENEFIT) (AMENDMENT)

REGULATIONS 1985

and shall be read as one with the National Insurance (Benefit) Regulations, 1983 (S.R.O. No. 6 of 1983) hereinafter referred to as the principal Regulations.

- 2. The principal Regulations are hereby amended by inserting the following new Regulation as Regulation 51A:-
 - "51A Special provisions for a person who was a member of the Provident Fund and who attained sixty years of age on or before the Appointed Day.

In respect of a person who is deemed an insured person by and under section 24(2) (b) of the Law the following provisions shall apply:

(a) where it is a condition of eligibility to benefit that he should have been insured or employed for not less than a specific period, the period for which contributions were being paid by him or on his behalf to the Provident Fund immediately preceding the Appointed Day shall also count for satisfying the eligibility condition. (Amendment) Regulations

- (b) where for eligibility to benefit a certain number of contributions are required to have been paid during a period, such period may include a period preceding the Appointed Day.
- (c) The Provident Fund contributions paid in the period preceding the Appointed Day referred to in paragraph (b) above, shall count as under:

For eligibility to invalidity, survivors or age benefit, a person will be given credit of as many weekly contributions as the number arrived at by dividing the amount to his credit in the Provident Fund on the day preceding the Appointed Day by an amount equal to his average contribution rate in the last 13 weeks of employment before the Appointed Day, fractions below ½ being ignored and fractions of or above ½ being rounded up to the next higher number.

- (d) where the rate of any benefit is expressed in terms of the average insurable earnings over a period, such period shall include the period preceding the Appointed Day.
- (e) For the period preceding the Appointed Day the insurable earnings shall be deemed to be thirty times the Provident Fund contributions paid during the said period and a monthly contribution shall be deemed to be equal to the contribution for four weeks and for all calculations in this context a year shall count as twelve months or fifty-two weeks".
- 3. Commencement. These Regulations shall be deemed to have come into operation on the Appointed Day.

Dated this 10th day of September, 1985.

FRANCIS ALEXIS

Minister.

GRENADA

STATUTORY RULES AND ORDERS NO. 15 OF 1986

REGULATIONS MADE BY THE MINISTER IN EXERCISE OF THE POWERS CONFERRED ON HIM BY AND UNDER PART V AND SECTION 65 OF THE NATIONAL INSURANCE LAW 1983 AS AMENDED BY THE NATIONAL INSURANCE (AMENDMENT) (NO. 2) ACT 1985.

(Gazetted 19th September, 1986.)

1. Short title. These Regulations may be cited as the

NATIONAL INSURANCE (BENEFIT) (AMENDMENT)

REGULATIONS 1986

and shall be read as one with the National Insurance (Benefit) (Regulations) 1983, hereinafter referred to as the principal Regulations.

SRO. No. 6 of 1983.

2. Special provisions for persons over fifty years of age at Appointed Day. Regulation 33 of the principal Regulations is hereby amended by repealing the regulation in its entirety and replacing it with the following:

Reg. 33 Repealed and Replaced.

"33. Special provisions for persons over fifty years of age at Appointed Day. A person who is over the age of fifty years at the Appointed Day shall be granted special credited contributions for each year of age or part thereof in excess of fifty years pro-rated at the rate of fifty special credited contributions for each year of age in excess of fifty years subject to a maximum special credit of three hundred and fifty contributions:

Provided that such special credits -

- (a) shall be awarded for age pension purposes only;
- (b) shall not be taken into account in assessing the average annual insurable earnings;

- (c) shall only be used to the extent necessary to enable an insured person to qualify for an age pension of thirty percent of his average annual insurable earnings; and
- (d) shall be awarded only where the insured person was in insurable employment on the Appointed Day.

Provided further that in the case of a person insured under section 24 (2) of the Law, the phrase "over the age of fifty years at the Appointed Day" appearing in this Regulation shall mean "over the age of fifty years on the day he became a member of the Provident Fund".

3. Commencement. These Regulations shall be deemed to have come into operation as from the Appointed Day.

Dated this 6th day of August, 1986.

FRANCIS ALEXIS

Minister of Social Security.

GRENADA

STATUTORY RULES AND ORDERS NO. 14 OF 1988

THE MINISTER IN EXERCISE OF THE POWERS CONFERRED ON HIM BY Section 65 SECTION 25 (1) (c) OF THE NATIONAL INSURANCE LAW 1983, AS AMENDED, MAKES THE FOLLOWING REGULATIONS:-

of the National Insurance Law No. 20

(Gazetted 17th June, 1988). of 1985

1. Short Title. These Regulations may be cited as the

NATIONAL INSURANCE (SELF-EMPLOYED PERSONS)

REGULATIONS, 1988.

- 2. Interpretation. For the purposes of these Regulations, the expression-
 - "Appointed Day" means the day appointed by the Minister pursuant to Section 1 of the National Insurance Law as the appointed day for the purposes of Section 25 (1) (c) of the Law;
 - "Contribution" means the contribution payable by a self-employed person as determined by the Board in accordance with the provisions of these Regulations;
 - "Contribution Year" has the meaning assigned to it in Regulation 2 of the (Collection of Contributions) Regulations, 1983;
 - "National Insurance Card" has the meaning assigned to it in Section 2 of the Law;
 - "Insurable Earnings" means earnings of an insured person not exceeding \$1,250 per month, or \$576 per fortnight, or \$288 per week as the case may be:
 - "Insured person" means a person insured under these Regulations pursuant to Section 25 of the Law;

Persons) Regulations

"Self-employed person" means a person ordinarily resident in Grenada who is not in the employment of a registered employer, but is otherwise gainfully occupied in employment.

- 3. (1) Application to self-employed persons of Regulations under the Law. Save in so far as they are expressly varied or excluded by or inconsistent with these Regulations, regulations made under the Law apply to insured persons who are self-employed (that is to say, persons insured under section 25 (1) (c) of the Law) as to insured persons who are employed persons (that is to say, persons insured under section 24 of the Law) and references therein to "the appointed day" shall, in relation to the self-employed persons, be construed as references to the appointed day for the purposes of section 25 of the Law.
- (2) Non-application of Sickness Benefit Regulations. For the avoidance of doubt regulations relating to Sickness Benefit contained in the National Insurance (Benefit) Regulations do not apply to self-employed persons.
- (3) Exclusion of Transitional Provisions. Notwithstanding anything to the contrary in any law in force it is hereby declared that the transitional provisions of Regulation 33 contained in the National Insurance (Benefit) Regulations 1983 or any amendment thereof shall not apply to self-employed persons;
- 4. (1) Registration of self-employed persons. All self-employed persons shall be required to register as such under the Law and the National Insurance (Registration) Regulations shall apply to all such persons as appropriate.
- (2) Registration to be approved by the Board. Any eligible self-employed person may apply to the Board to be registered under the Law. On approval by the Board the self-employed person shall be notified in writing and shall become an insured person pursuant to Regulation 3 of these regulations.

A National Insurance card shall be issued to him.

- 5. Insurance of self-employed persons. Subject to these Regulations every self-employed person, who is—
 - (a) between the ages of sixteen and sixty
 - (b) ordinarily resident in Grenada
 - (c) not in the employment of any other person, but
 - (d) is gainfully occupied in employment in Grenada

may be insured under the Law in respect of the several contingencies in relation to which funeral grant, old age grant, age pension, invalidity benefit and survivors' benefit are provided.

- 6. (1) The contribution payable by a self-employed person shall be based on his earnings on admission to the Scheme during the period of one year immediately preceding the contribution year in which the contribution is due.
- (2) Rate of Contribution. The rate of contribution payable by a self-employed person under section 25 shall be 6.75% of that person's insurable earnings.
- (3) A self-employed person shall not be required to pay contribution on earnings in excess of \$1,250 per month or \$576 per fortnight or \$288 per week as the case may be.
- (4) If a self-employed person insured under regulation 3 of these Regulations accept insurable employment by a registered employer at a subsequent date he shall *ipso facto* cease to be a self-employed person immediately and contributions payable on his behalf shall be at the rates specified in the Schedule of the National Insurance (Collection of Contributions) Regulations, 1983.

Persons) Regulations

- (5) Payment of contributions by self-employed persons. Within fourteen days after the end of each month the self-employed person shall pay by means acceptable to the Director the contribution payable by him in accordance with Regulation 6 (2) of these Regulations.
- (6) Where an insured person ceases to be self-employed for any reason inconsistent with the provisions of Regulation 5, he shall pay all contributions due in respect of his self-employment within 15 days of the cessation of such employment.
- (7) Construction of reference to "employer" in certain Regulations. For the purposes of these regulations, references to "employer" in regulations 11 (2) and (3) of the Collection Regulations, shall be construed as references to "self-employed person".
- 7. Notwithstanding Regulation 6 (1) and in any case where the self-employed person has been engaged in self-employment for less than the period of one year, referred to in that regulation, the Board may request any self-employed person to furnish such information and evidence relating to his income as the Board may require for purposes of determining his rate of contribution and subject to Regulation 8, the Board my determine the rate of contribution payable by the self-employed person by reference to such information and evidence, his record of contributions paid and such other information or evidence as it may, in circumstances of the case, think fit.
- 8. Effective date of determination by the Board under Regulation 7. Any determination of the Board under Regulation 7 shall be communicated to the insured person in writing and shall have effect from a date to be specified by the Board.
- 9. Commencement. These Regulations shall come into operation on the Appointed Day.

Made this 10th day of June, 1988.

GEORGE MC GUIRE

Minister.

GRENADA

STATUTORY RULES AND ORDERS NO. 15 OF 1988.

THE MINISTER IN EXERCISE OF THE POWERS CONFERRED ON HIM BY Section 65 SECTION 25 (1) (d) OF THE NATIONAL INSURANCE LAW 1983, MAKES THE FOLLOWING REGULATIONS:-

of the National Insurance Law No. 20

(Gazetted 17th June, 1988). of 1985

1.Short Title. These Regulations may be cited as the

NATIONAL INSURANCE (VOLUNTARY CONTRIBUTIONS) REGULATIONS, 1988.

- 2. Interpretation. For the purposes of these Regulations the expression:
 - "Appointed Day" means the day appointed by the Minister pursuant to section 1 of the National Insurance Law as the "appointed day" for the purpose of section 25(1)(d) of the Law.
 - "Voluntary Contributions" means payment of Contributions voluntarily by an insured person not being age 60 who:
 - (a) is not in receipt of normal earnings as an employee;
 - (b) is not engaged in insurable employment under section 24 of the Law because of termination of his services.
 - "Voluntary Contributor" means a person who has been approved by the Board to pay contributions voluntarily because his services as an employee have been terminated.
 - "Collection Regulations" means the National Insurance (Collection of Contribution) Regulations, 1983.

Contributions) Regulations

- 3. (1) Application to voluntary contributors of Regulations under the Law. Save in as far as they are expressly varied or excluded by, or inconsistent with these Regulations, regulations made under the Law apply to insured persons who pay contributions voluntarily (that is to say, persons who are voluntary contributors pursuant to section 25 (1) (d) of the Law) as to insured persons who are employed persons, (that is to say, persons insured under section 24 of the Law), and references therein to the "appointed day" shall, in relation to voluntary contributors, be construed as references to the "appointed day" for the purpose of section 25 (1) (d) of the Law.
- (2) Non-application of sickness benefit Regulations. For the avoidance of doubt, regulations relating to sickness benefit contained in the Law do not apply to voluntary contributors.
- (3) Exclusion of transitional provisions. Notwithstanding anything to the contrary in any Law in force, Regulation 33 contained in the National Insurance (Benefit) Regulations, 1983, or any amendment thereof shall not apply to voluntary contributors.
- (4) Application of the Regulations to voluntary contributors. Subject to these Regulations, any insured person who is:
 - (a) between the ages of sixteen and sixty;
 - (b) ordinarily resident in Grenada;
 - (c) not in receipt of normal earnings as an employee under section 24 of the Law, but
 - (d) has obtained the approval of the Board to pay contributions voluntarily for the purpose of these Regulations, shall continue to be insured under the Law in respect of the several contingencies in relation to which funeral grant, old age grant, age pension, invalidity benefit and survivors' benefit are provided.

- 4. Application to the Board for approval. Any person formerly engaged in insurable employment under section 24 of the Law whose employment has been terminated may apply to the Board for approval to pay contributions voluntarily for the purpose of;
 - (a) keeping his contributions unbroken; or
 - (b) enabling him to receive a minimum pension.
- 5. (1) Rate of contribution. The rate of contribution payable by a voluntary contributor under section 25(1)(d) shall be 6.75% of that person's insurable earnings.
- (2) A voluntary contributor shall not be required to pay contribution on earnings in excess of \$1,250 per month, or \$576 per fortnight or \$288 per week as the case may be.
- (3) Resumption of insurable employment. If a voluntary contributor accept insurable employment by a registered employer he shall *ipso* facto cease to be a voluntary contributor under these Regulations immediately, and contributions payable on his behalf thereafter shall be at the rates specified in the Schedule of the National Insurance (Collection of Contribution) Regulations 1983. In addition, he shall pay all contributions due as a voluntary contributor within fifteen (15) days of his resumption of insurable employment.
- (4) Payment of contributions by voluntary contributors. Within fourteen days after the end of each month, the voluntary contributor shall pay by means acceptable to the Director, the contributions payable by him in accordance with Regulation (5) 1.
- (5) Construction of reference to "the employer" in certain Regulations. For the purposes of these Regulations, references to "the employer" in Regulations 11 and 12 of the Collection Regulations, shall be construed as references to a voluntary contributor.

National Insurance (Voluntary Contributions) Regulations

1988

(6) Commencement. These Regulations shall come into operation on the "appointed day".

Made this 10th day of June, 1988.

GE GERALINGURANCE SCHEME GRENA DE LA MATIONAL INSURANCE SCHEME DE LA MATIONA GEORGE MC GUIRE

Minister.

GRENADA

STATUTORY RULES AND ORDERS NO. 16 OF 1988

REGULATIONS MADE BY THE MINISTER IN EXERCISE OF THE POWERS CONFERRED ON HIM BY AND UNDER PART V AND SECTION 65 OF THE NATIONAL INSURANCE LAW, 1983 (LAW NO. 14 OF 1983) AS AMENDED.

(Gazetted 17th June, 1988.)

1. Short Title. These Regulations may be cited as the

NATIONAL INSURANCE (BENEFIT) (AMENDMENT)

REGULATIONS, 1988

and shall be read as one with the National Insurance (Benefit) Regulations 1983 (SRO No. 6 of 1983) hereinafter referred to as the principal Regulations.

- 2. Regulation 4 amended. Regulation 4 of the principal Regulations is amended by deleting sub-regulation (1) and by substituting the following sub-regulation—
 - "(1) An insured person who is eligible for sickness benefit shall be entitled to receive the said benefit from the first day of any continuous period of incapacity for work:

Provided that for the purpose of computing the number of days of any continuous period Sundays shall be disregarded."

(Amendment) Regulations

- 3. Regulation 16 amended. Regulation 16 of the principal Regulations is amended by deleting paragraph (d).
- 4. Regulation 20 amended. Regulation 20 of the principal Regulations is amended by deleting the figures "\$300.00" and substituting the figures "\$1,000.00".
- 5. Regulation 30 amended. Regulation 30 of the principal Regulations is amended by substituting a colon for the full stop at the end of the proviso to paragraph (a) and by inserting the following proviso—

"Provided further that the minimum pension shall be \$25.00 per week".

Made by the Minister this 10th day of June, 1988.

Wational Insurance (

GEORGE MC GUIRE

Minister.