

THE NATIONAL INSURANCE ACT

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[4th April, 1966.]

PART I. *Preliminary*

1. This Act may be cited as the National Insurance Act. Short title.
- 2.—(1) In this Act, unless the context otherwise requires— Interpreta-
tion.
 - “the appointed day” means the 4th April, 1966;
 - “benefit” means benefit which is payable under this Act;
 - “calendar year” means the period of twelve months commencing on the first day of January in each year;
 - “child”, in relation to an insured person, includes—
 - (a) a step-child; and
 - (b) any other child, whether legitimate or not living with the insured person and wholly or mainly maintained by him;
 - “Commissioner” means the Commissioner of Taxpayer Audit and Assessment; L.N.
165/1999.
 - “contribution” means a contribution payable pursuant to this Act;
 - “contribution week” means a period of seven days commencing immediately after twelve o’clock midnight on each Sunday and ending at twelve o’clock midnight on the Sunday next following;
 - “contribution year” means—
 - (a) the period of 52 weeks beginning with the appointed day;

- (b) any subsequent period of 52 or 53 weeks, as the case may be, commencing on the Monday of the week in which the anniversary of the appointed day occurs and ending with the Sunday immediately before the Monday of the week in which the next anniversary of the appointed day occurs;

“declared day” has the meaning assigned to it by subsection (3) of section 9;

“disability” means the loss of capacity for any of the ordinary activities of life;

“disablement” means the total of the disabilities suffered, that is, the aggregate loss of health, strength and power to enjoy a normal life;

“domestic worker” means a person employed otherwise than for the purposes of a trade or business, in such capacity as may be prescribed for the comfort or convenience of a member of a household or in or about a dwelling-house or such other premises as may be prescribed;

27/1970
S. 2(a).

“earnings” means, in relation to any person in any income tax year, the statutory income computed pursuant to the Income Tax Act as being the statutory income of that person for that year modified to such extent as may be prescribed by regulations, and, without prejudice to the generality of the foregoing, such regulations may have the effect of increasing or decreasing the amount which shall be taken into account as earnings;

“emoluments” means any emoluments assessable to income tax pursuant to paragraph (c) of section 5 of the Income Tax Act (other than annuities, pensions, superannuation or other allowances payable in respect of past services in any office

or employment of profit and such other categories of emoluments as may be prescribed) being emoluments from which income tax is deductible pursuant to the Income Tax (Employments) Regulations, whether or not in fact falls to be deducted therefrom;

“employed person” means, subject to subsection (3) of section 3, a person gainfully occupied in insurable employment;

“the Fund” means the National Insurance Fund established by section 39;

“income tax” means income tax payable pursuant to the Income Tax Act;

“income tax year” means a year of assessment as defined in the Income Tax Act;

“independent authority” means—

- (a) an insurance officer designated as such pursuant to section 28;
- (b) a local tribunal constituted pursuant to section 28; or
- (c) an umpire appointed pursuant to section 28;

“inspector” means an officer designated as such pursuant to section 37;

“insurable employment” means, subject to subsection (3) of section 3, any employment specified in the First Schedule;

First
Schedule.

“insurance officer” means an officer designated as such pursuant to section 28;

“insurance stamp” means any label, stamp or device for denoting the payment of contributions, issued pursuant to this Act or any regulations thereunder;

“insured person” means a person insured under this Act;

“local tribunal” means a local tribunal constituted pursuant to section 28;

“loss of faculty” means the partial or total loss of the normal use of organs or parts of the body, or the destruction or impairment of bodily or mental functions (including disfigurement whether or not accompanied by any actual loss of function);

“medical treatment” means medical, surgical or rehabilitative treatment (including any course of diet or other regimen and the supply of medical or surgical appliances);

“mother” includes a step-mother;

“parent” includes a step-parent.

27 1970

S. 2 (c).

10 1997.

“prescribed medical institution” means a public health facility as defined in section 2 of the National Health Services Act and such other institutions or bodies as may be prescribed;

“regulations” means regulations made under this Act;

“relevant accident”, “relevant injury” and “relevant disease” mean respectively, in relation to any benefit, the accident, injury and disease in respect of which that benefit is claimed or payable; and “relevant loss of faculty” means the loss of faculty resulting from the relevant injury or disease;

“relevant contribution conditions”, in relation to benefit of any description, means the contribution conditions for benefit of that description;

“retirement age” has the meaning assigned to it by subsection (2) of section 10;

“self-employed person” means, subject to subsection (3) of section 3, a person gainfully occupied in Jamaica who, in relation to that occupation, is not in insurable employment;

“special pensioner” has the meaning assigned to it by section 10A; 28/1993
S. 2.

“stamp card” means a card issued by the Minister for the purpose of the payment of contributions by means of stamps affixed to or impressed on the card;

“voluntary contributor” has the meaning assigned to it by subsection (2) of section 7;

“wages” includes salary or any other remuneration.

(2) For the purposes of this Act—

(a) a person shall be deemed to be over or under any age if he has or has not reached that age, as the case may be;

(b) a person shall be deemed not to have reached the age of eighteen years until the beginning of the eighteenth anniversary of the day of his birth, and similarly with respect to any other age.

(3) For the purposes of this Act, a lawfully adopted child shall be treated as if the child were the legitimate issue of the adopter, or if the child were adopted by two spouses jointly, or by one of two spouses after their marriage, as if the child were legitimate issue of their marriage, and shall not be treated as being issue of any other person.

[The inclusion of this page is authorized by L.N. 42/1995]

(4) For the purposes of this Act---

- (a) where it is a condition for title to benefit that a woman is the spouse, wife, or widow of an insured man, an independent authority may treat a single woman or widow living with a single man or widower as his wife as if she were in law his wife, or 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, if the independent authority is satisfied that in all the circumstances she should be so treated:

Provided that if at the request of the man, the woman's name has been entered, in such manner and time as may be prescribed, on the permanent record of that man's contributions under this Act, such entry of the woman's name shall, in the absence of other evidence to the contrary, be treated as constituting satisfactory evidence that the man and woman are living together as man and wife;

- (b) where the question of marriage or remarriage, or of the date of marriage or remarriage, arises in regard to the title or cessation of title to benefit of a woman as a widow or to an increase of benefit payable to a man pursuant to section 21 in respect of a woman as a wife, the independent authority shall, in the absence of the subsistence of a lawful marriage and of any impediment to lawful marriage, decide whether or not the person or persons concerned should be treated as if he, she or they were married or as if he or she had remarried, as the case may be, and if so, from what date, and in determining the question the independent authority shall have regard to the terms of paragraph (a);

- (c) a decision of an independent authority given under paragraph (a) or (b) shall, unless the context otherwise requires, have the effect of extending, as regards title or cessation of title to benefit payable to a woman or as regards an increase of benefit payable to a man in respect of a woman as aforesaid, the meaning of the word "marriage" to include the association (the subject matter of the decision) between such a single woman or widow as aforesaid with such a single man or widower as aforesaid; and for this purpose the words "wife", "widow", "husband" and "spouse" shall be construed accordingly.

PART II. *Insured Persons and National Insurance Contributions*

3.—(1) Subject to the provisions of this Act, every person who, on or after the appointed day, being over the age of 18 and under retirement age and having fulfilled such conditions as may be prescribed as to domicile or residence in Jamaica, is gainfully occupied in Jamaica, or is in such employment outside Jamaica as is specified in paragraphs 2 and 4 of the First Schedule or as is referred to in paragraph (c) of subsection (1) of section 7, shall become insured under this Act and remain so insured until he reaches retirement age.

Persons to be insured.

First Schedule.
14/1978
S. 2(a).

(2) For the purposes of this Act, insured persons shall be divided into the following classes—

- (a) employed persons;
- (b) self-employed persons;
- (c) other insured persons as specified in section 7.

(3) The Minister may by regulations modify the application of subsection (2) in relation to cases where it appears to him desirable to do so by reason of the nature

or circumstances of a person's employment or otherwise, and, without prejudice to the generality of the foregoing, such regulations may provide—

(a) for disregarding or for treating as not being employment either as a self-employed person or as an employed person—

(i) employment which in the opinion of the Minister is of a casual or subsidiary nature or in which the person concerned is engaged only to an inconsiderable extent;

(ii) employment in the service, or for the purposes of the trade or business, or as a partner, of a relative of the person concerned;

(iii) such employment in the service of, or in the service of a person employed to, such international organizations or countries (other than Jamaica), as may be specified in the regulations;

(b) for treating as employment as an employed person—

(i) such employment as a self-employed person as may be specified in the regulations;

(ii) such employment outside Jamaica in continuation of insurable employment in Jamaica as may be specified in the regulations;

(c) for treating as employment as a self-employed person—

(i) such employment as an employed person as may be specified in the regulations;

- (ii) such employment outside Jamaica in continuation of insurable employment in Jamaica as may be specified in the regulations;
- (d) for treating, for the purposes of this Act, or of such provisions thereof as may be specified in the regulations, a person's employment either as an employed person or as a self-employed person as—
 - (i) continuing during periods of holiday, incapacity for work, or in such other circumstances as the Minister thinks appropriate;
 - (ii) ceasing in such circumstances as may be prescribed.

(4) Any regulations made pursuant to subsection (3) shall be subject to affirmative resolution and may be made to have effect from such date as may be specified therein not being a date earlier than the first day of July, 1973.

14/1978
S. 2(b).

4.—(1) For the purposes of this Act contributions shall be payable by insured persons and by employers in accordance with the following provisions of this section.

Source of funds, contributions.

- (2) Subject to the provisions of this Act—
 - (a) every employed person of any description set out in the first column of the Second Schedule shall be liable to pay contributions at the rate respectively set out in the second column of the said Schedule;
 - (b) every employer of an employed person of any description set out in the first column of the Second Schedule shall be liable to pay in respect

Second Schedule.

of that employed person contributions at the rate respectively set out in the third column of the said Schedule;

- (c) every self-employed person of any description set out in the first column of the Second Schedule shall be liable to pay contributions as the rate respectively set out in the second column of the said Schedule.

(3) A person shall not be liable to pay more than one contribution as an insured person in any contribution week.

(4) Not more than one employer's contribution shall be payable in respect of an insured person in any contribution week, so, however, that the Minister may in respect of an insured person employed to more than one employer during a contribution week provide by regulations that such contributions shall be payable by each employer in accordance with paragraph (b) of subsection (2).

(5) Where a person is liable to pay a contribution as an employed person in respect of any contribution week, he shall not be liable, in respect of that contribution week, to pay a contribution as a self-employed person.

(6) Subject to the provisions of this Act and of any regulations, no person may pay any contributions unless he is liable so to do.

(7) Regulations may provide for the exemption in whole or in part from liability under this section or under section 5 of persons specified in such regulations, and for crediting, for such purposes as may be prescribed, contributions for periods of incapacity for work.

5.—(1) [*Deleted by Act 18 of 1990, S. 4 (b).*]

Provisions relating to payments of contributions.
18/1990 S.4(a).
14/1978 S.3.
18/1990 S.4(c).

(2) Subject to the provisions of this Act, a self-employed person shall be liable to pay contributions on his earnings in respect of any income tax year at a rate of five *per centum* per annum so, however, that—

(a) account shall be taken only of so much of such earnings as does not exceed \$1,500,000 per annum;

14/2012 Sch. w.e.f. 7.1.2013.

(b) the aggregate amount of weekly contributions payable pursuant to paragraph 2 of the Second Schedule during the relevant year shall be taken into account in determining liability under this section;

Second Schedule.

(c) regulations may modify the application of paragraph (a) to provide for cases where any such person as aforesaid in any prescribed period receives emoluments as an employed person; and

(d) regulations may provide for modifying the application of this subsection and subsection (3)—

(i) where in the opinion of the Minister it is desirable to determine the earnings of any person or the contributions payable thereon by reference to a period other than an income tax year; or

(ii) where insured persons are treated as employed persons or as self-employed persons, as the case may be, by reason of regulations made under subsection (3) of section 3.

18/1990
S. 4(d)(i)

17/1976
S. 3(1)(a)

L. N.
165/1999

18/1990
S. 4(d)(iv)

(3) Subject to the provisions of this Act and except in so far as regulations otherwise provide, the provisions of the Income Tax Act, or any regulations thereunder concerning payment, collection and recovery of income tax, and the enforcing of payment shall apply to the contributions payable therewith by or in respect of employed persons and to the contributions payable by self-employed persons in the same way as they apply to income tax; and no obligation as to secrecy imposed by statute or otherwise on persons employed in relation to income tax shall prevent information obtained in connection with the assessment or collection of income tax from being disclosed by or under the authority of the Commissioner or the Commissioner of Inland Revenue in connection with the operation of this Act or regulations made thereunder relating to the calculation or collection of contributions under this Act.

17/1976
S. 3(1)(b)

(4) Except in so far as regulations otherwise provide, the contributions payable in any contribution week in respect of an employed person's emoluments shall be determined—

(a) by aggregating and treating as a single payment of emoluments in one employment, all payments made in that week on account of emoluments in the same employment or in any two or more employments under the same employer;

(b) by apportioning between the employments any single payment of emoluments in two or more

employments under different employers, and (subject to paragraph (a)) treating as separate payments the parts apportioned to each employment.

(5) Where a person in any prescribed period is paid emoluments or receives earnings from two or more employments or occupations (or is paid emoluments in respect of one or more employments and receives earnings from one or more occupations) and the contributions paid by him in respect of those emoluments or earnings (or both) exceed such amount as may be prescribed the excess—

(a) shall be treated as representing contributions of the wrong class paid in error; and

(b) shall for the purpose of any right to benefit be treated as not properly payable.

(6) For the purpose of contributions any sum deducted (whether for contributions for income tax or otherwise) from any payment of emoluments which is, or, but for the deduction, would be, made, shall, except in so far as regulations otherwise provide, be treated as paid on account of the emoluments, and for the purpose aforesaid, any payment of emoluments shall be disregarded in so far as it is directed by regulations to be treated as coming from sums comprised in a previous payment of emoluments or to be otherwise excluded from the computation of a person's emoluments.

(7) Provision may be made by regulations for determining the contributions payable where the whole or part of an employed person's emoluments in any employment is not paid weekly (and accordingly for

determining the equivalent amounts of emoluments not paid weekly) and such regulations may include provision modifying the application of subsection (4); and regulations may also, for the purpose of contributions, make provision as to the intervals at which a person's emoluments or any part of them are to be treated as paid where they are not all paid at the same intervals of a week or longer and are not all paid in the amounts due for those or for corresponding intervals.

(8) Regulations may also make provision—

- (a) for calculating the amounts payable as contribution according to a prescribed scale or otherwise adjusting them so as to facilitate computation;
- (b) for requiring that the liability in respect of payments made in a contribution week, in so far as it depends on any condition as to a person's age shall be determined as at the beginning of the week or as at the end of it; and
- (c) for securing that liability is not avoided or reduced by an employer adopting in the payment of persons employed any practice which is abnormal for their employments.

Employer's
liability
to pay con-
tributions.

6.—(1) Except where regulations otherwise prescribe, an employer liable to pay a contribution in respect of a person employed by him shall, in the first instance, be liable to pay also, on behalf of and to the exclusion of that person, any contribution as an employed person payable by that person for the same contribution week and, for the purposes of this Act, the contributions paid by an employer on behalf of an employed person shall be deemed to be contributions paid by the employed person.

(2) Notwithstanding any contract to the contrary, an employer shall not be entitled to deduct from the emoluments of a person employed by him, or otherwise to recover from such a person, the employer's contributions in respect of that person; and any employer who deducts or attempts to deduct the whole or any part of the employer's contributions in respect of any person from the emoluments of that person shall be guilty of an offence.

(3) An employer shall be entitled, subject to and in accordance with regulations, to recover from an insured person's pecuniary remuneration and not otherwise the amount of any contribution paid or to be paid by him on behalf of that person.

6A. With effect from the date of commencement of the Companies (Amendment) Act, 2013, any person applying to register a company under the Companies Act or a business name under the Registration of Business Names Act shall if it is intended for the company or person to employ one or more persons (and, in the case of a person applying for registration of a business name, if the person is not already registered as an employer under this Act), complete and submit to the Registrar of Companies the appropriate section of the form set out as Form BRF 1 in the Sixteenth Schedule to the Companies Act.

Requirement to register employees. 40/2013 3rd Sch.

7.—(1) Any insured person who is not liable to pay contributions under this Act shall be entitled, on making application to the Minister within such time and in such manner as may be prescribed to receive a certificate of voluntary insurance if—

Voluntary contributions. 14/1978 S. 4(a).

(a) he is ordinarily resident in Jamaica and has paid in the aggregate, fifty-two weekly contributions as an employed person or self-employed person or as a voluntary contributor contributing under paragraph (c); or

18/1990 S. 6.

(b) he has paid in the aggregate one hundred and fifty-six weekly contributions as an employed or self-

18/1990 S. 6.

employed person or as a voluntary contributor contributing under paragraph (c); or

- (c) he has been recruited by a Government agency for employment outside Jamaica and is engaged in that employment.

14/1978
S. 4(b).

Second
Schedule.
27/1970
S. 4(b).

(2) Subject to subsection (3), an insured person holding a certificate of voluntary insurance granted under this section (hereinafter called a "voluntary contributor") may pay, within such time and in such manner as may be prescribed, a weekly contribution at the rate set out in relation to such contributor in the second column of the Second Schedule for any week (including, if the certificate so specifies and to such extent as may be specified, any week prior to the date of issue of the certificate) for which he is not liable pursuant to section 4 to pay a contribution as an employed or self-employed person; and regulations may prescribe the circumstances in which such a certificate may be cancelled in default of payment of contributions within the prescribed time.

14/1978
S. 4(c).

(3) In relation to an insured person holding a certificate of voluntary insurance issued pursuant to paragraph (c) of subsection (1) the Minister may make such arrangements as to the amount, time and manner of payment of contributions with the insured person or with any employer of the insured person as the Minister thinks necessary or expedient to facilitate the payment and collection of such contributions.

General
regula-
tions as to
payment
and
collection
of contribu-
tions, etc.

8.—(1) Regulations may provide—

- (a) for the payment and collection of contributions under this Act;
- (b) for treating, for the purposes of any right to benefit, contributions paid after the due dates as paid on those dates or on such later dates as may be prescribed, or as not having been paid and for treating, for the purpose aforesaid, contributions

payable by an employer on behalf of an insured person, but not paid, as paid where the failure to pay is shown not to have been with the consent or connivance of, or attributable to any negligence on the part of, the insured person;

- (c) for treating contributions of the wrong class or at the wrong rate as paid on account of the contributions properly payable;
- (d) for the return of contributions paid in error;
- (e) (without prejudice to any other remedy) for the recovery, on prosecutions brought under or by virtue of this Act, of contributions;
- (f) in relation to—
 - (i) any person who is employed by more than one employer in any contribution week, that one of such employers shall be treated as the employer for the purpose of the payment of contribution for that week to be made on behalf of that person in accordance with subsection (1) of section 6; or
 - (ii) persons who work under the general control or management of some person other than their immediate employer, and in relation to any other cases for which it appears to the Minister that special provision is needed, that for the purposes of this Act the prescribed person shall be treated as their employer,

and regulations made by virtue of this paragraph may provide for adjusting the rights between themselves of the person prescribed as the employer, any other employer and the persons employed;

- (g) for calculating or estimating, in such manner and on such basis as may be prescribed, the amount of a person's earnings, emoluments, income or pecuniary remuneration for any period, and the rate of a person's emoluments or pecuniary remuneration.

(2) Where contributions are payable by means of insurance stamps, those stamps shall be prepared and issued in such manner as the Minister may direct; and the Minister may—

- (a) arrange with the Minister responsible for the Post Office for the sale of insurance stamps through any post office; and
- (b) by regulations provide for applying, with the necessary adaptations, as respects insurance stamps, all or any of the provisions (including penal provisions) of the Stamp Duty Act and the Post Office Act.

(3) Where regulations permit contributions to be paid, at the option of the person liable to pay, by a method other than by means of insurance stamps and that method involves greater expense in administration to the Government departments concerned than would be incurred if the contributions were paid by means of insurance stamps such regulations may provide for the payment to the Fund by any person who adopts such method, and for the recovery on behalf of the Fund, of the prescribed fees in respect of the difference in the expense in administration.

PART III. *Benefits*

Descriptions and rates of benefits and contribution conditions.

9.—(1) Subject to subsections (2) and (3), benefits shall be of the following kinds only—

[The inclusion of this page is authorized by L.N. 5/1992]

- (a) old age benefit, which shall include old age pension and old age grant;
- (b) invalidity benefit, which shall include invalidity pension and invalidity grant;
- (c) widow's or widower's benefit, which shall include widow's pension, widower's pension, widow's grant and widower's grant;
- (d) orphan's benefit, which shall include orphan's pension and orphan's grant;
- (e) special child's benefit, which shall include special child's pension and special child's grant;
- (f) funeral grant;
- (g) maternity benefit, which shall include maternity allowance to domestic workers and maternity grants to certified exporters. 43/1979
S. 2.

(2) Subject to subsection (3), there shall be, in addition to the benefits specified in subsection (1), the following kinds of benefits—

- (a) employment injury benefit;
- (b) prescribed medical treatment under section 15; 27/1970
S. 5.
- (c) employment injury disablement pension; 35/1973
S. 3 (a).
- (d) employment injury death benefit.

(3) The provisions of subsection (2) shall come into operation on such day, not being earlier than the first anniversary of the appointed day, as may be declared by the Minister by notice published in the *Gazette* (in this Act referred to as the "declared day").*

*By L.N. 279/1970, the 1st October 1970 was declared to be the relevant day.

(4) Subject to the provisions of this Act—

Third
Schedule.
14/1974
S. 2 (a).
9/1980
S. 2 (a).
18/1990
S. 8 (a) (i)

(a) the weekly rates of the several kinds of benefit specified in the first column of the Third Schedule, other than grants, shall, subject to subsections (5B) and (6), be as set out in the second column of that Schedule and the amount of grants shall be as set out in the third column of that Schedule;

18/1990
S. 8 (a) (ii)

(b) for the purpose of determining the amount by which a basic pension falls to be increased by virtue of the amount of contributions paid, where the total contributions do not make an exact number of units of \$13 any incomplete fraction of a unit if it is one-half or more shall be treated as a complete unit, and if it is less than one-half shall be disregarded;

Fourth
Schedule.

(c) the contribution conditions for the several kinds of benefit shall be as set out in the Fourth Schedule;

18/1990
S. 8(a) (iv).

(d) any reference to the yearly average of contributions paid by or credited to any person shall be construed as referring to the weekly contributions paid over the period—

(i) beginning with the contribution year following that in which he attained the age of 18 or with the contribution year commencing on the appointed day, whichever is the later; and

(ii) ending with the end of the last contribution year before the date as at which the average is to be ascertained.

(5) [*Deleted by Act 18 of 1990, S. 8 (b).*]

(5A) [*Deleted by Act 18 of 1990, S. 8 (b).*]

(5B) The rate of benefit payable to any person shall be determined by reference to the provisions in force at the date when his title to the benefit arises, but nothing in this subsection shall prevent payment to that person of any increase applicable thereto which becomes payable subsequent to that date.

(5C) [*Deleted by Act 18 of 1990, S. 8 (b).*]

(6) In relation to employment injury benefit, employment injury disablement pension and employment injury death benefit, regulations having effect on or after the declared day, may prescribe the manner in which the amount of a person's gross wages shall be assessed. 25/1973
S. 3(c).

(7) Regulations may provide for entitling to old age pension, invalidity pension, widow's pension or widower's pension persons who would be entitled thereto but for the fact that the relevant contribution conditions are not satisfied as respects the yearly average of contributions paid or credited and shall provide that the pension so payable shall be payable at a rate less than that specified in the Third Schedule and the rate prescribed may vary with the extent to which the contribution conditions are satisfied. Third
Schedule.

Old Age Benefit

10.—(1) Subject to the provisions of this Act a person who is over retirement age shall be entitled— Old age
benefit.

- (a) to an old age pension if he satisfies the relevant contribution conditions; or
- (b) to an old age grant if he fails to satisfy the contribution conditions for old age pension but satisfies the relevant contribution conditions for old age grant.

9/2011
S. 3.

(2) For the purposes of this Act, retirement age means—

(a) subject subsection (2A), the age reached by a person who has retired from regular employment, having attained—

(i) the age of 65 years, in the case of a man; or

(ii) in the case of a woman, the age of —

(A) 60 years on or before the 31st day of March, 2011;

(B) 61 years on or after the 1st day of April, 2011, but before the 1st day of April, 2012;

(C) 62 years on or after the 1st day of April, 2012, but before the 1st day of April, 2013;

(D) 63 years on or after the 1st day of April, 2013, but before the 1st day April, 2014;

(E) 64 years on or after the 1st day of April, 2014, but before the 1st day of April, 2015;

(F) 65 years on or after the 1st day of January, 2015; or

(b) the age of 70 years in the case of a man or, in the case of a woman, the age of—

- (i) 65 years on or before the 31st day March, 2011;
- (ii) 66 years on or after the 1st day of April, 2011, but before the 1st day April, 2012;
- (iii) 67 years on or after the 1st day of April, 2012, but before the 1st day of April, 2013;
- (iv) 68 years on or after the 1st day of April, 2013, but before the 1st day of April, 2014;
- (v) 69 years on or after the 1st day of April, 2014, but before the 1st day of April, 2015;
- (vi) 70 years on or after the 1st day of April, 2015.

whichever first occurs.

(2A) Regulations may provide that a person may be treated as having retired from regular employment at any time after attainment of the relevant retirement age specified in

subsection (2)(a), notwithstanding that the person is, or intends to, engage in gainful occupation, if such occupation is only occasional, or is inconsiderable in its extent, or is otherwise in its circumstances not inconsistent with retirement.

(3) Subject to the provisions of this Act, an old age pension shall be payable from retirement age for life.

Special
pensioner.
14/2012
Sch.
w.e.f.
10.1.2013.

10A. Subject to the provisions of this Act, a person born before the 1st day of January, 1908, (hereinafter called a "special pensioner") shall be entitled to a pension under this Act at a rate of \$1,400.00 per week.

Invalidity Benefit

Invalidity
benefit.

11.—(1) Subject to the provisions of this Act, where a person—

(a) is incapable of work by reason of some specific disease or bodily or mental disablement;

(b) has been so incapable for a continuous period of not less than twenty-six weeks; and

(c) is not over retirement age,

he shall, if the incapacity is likely to be permanent, be entitled to an invalidity pension if he satisfies the relevant contribution conditions for an invalidity pension or to an invalidity grant if he fails to satisfy the relevant contribution conditions for an invalidity pension but satisfies the relevant contribution conditions for an invalidity grant.

(2) An invalidity pension—

(a) shall be payable from the date on which a person satisfies all the conditions therefor pursuant to subsection (1);

(b) shall not be payable for any period in respect of which satisfactory evidence of incapacity for work has not been provided or during which there is not incapacity for work.

(3) Regulations may provide for the forfeiture by a person in receipt of invalidity pension of pension for a period not exceeding six weeks on any such forfeiture if that person without reasonable cause—

(a) fails to comply with any requirement to submit himself to medical examination for the purpose of determining his incapacity for work or treatment appropriate for his disablement; or

(b) fails to comply with any requirement to submit himself to appropriate medical or other treatment; or

(c) behaves in any manner calculated to retard his recovery.

Widow's and Widower's Benefit

12.—(1) Subject to the provisions of this Act, a widow or widower shall be entitled to widow's or widower's pension if the deceased spouse satisfied the relevant con-

**Widow's
and
widower's
benefit.**

tribution conditions or to widow's or widower's grant if the deceased spouse failed to satisfy the contribution conditions for widow's or widower's pension but satisfied the relevant contribution conditions for widow's or widower's grant, and—

(a) in the case of a widow, if at the husband's death—

- (i) he and the widow had been married for not less than three years and the widow is then over the age of 55; or
- (ii) he and the widow had been married for not less than three years and the widow is then incapable of work by reason of some specific disease or bodily or mental disablement and this incapacity is likely to be permanent; or
- (iii) the widow is pregnant by her late husband; or
- (iv) the widow has the care of a child of his, or of their marriage under the age of 18;

28/1993
S. 4.

(b) in the case of a widower, if at the time of the wife's death—

- (i) she and the widower had been married for not less than three years; and
- (ii) the widower is then over the age of 55 or is incapable of working or has the care of a child, of the widow or of their marriage, under the age of 18 years.

27/1970
S. 6.

(2) Where the spouse was in receipt of old age or invalidity pension immediately prior to death or would have been entitled so to receive such pension if the necessary steps under Part IV to establish his or her claim had been undertaken or completed, the relevant contribution conditions

for widow's or widower's pension shall be deemed to be satisfied:

Provided that, where in accordance with regulations made under subsection (7) of section 9 the spouse was in receipt of an old age or invalidity pension at a rate less than that specified in the Third Schedule, the relevant contribution conditions as respects the yearly average of contributions for widow's or widower's pension shall be deemed to be satisfied only to the extent to which they were satisfied by the spouse in relation to the old age or invalidity pension; and entitlement to widow's or widower's pension shall be determined accordingly pursuant to the regulations made under subsection (7) of section 9 aforesaid.

Third
Schedule.

(3) Subject to the provisions of this Act, widow's pension—

- (a) under sub-paragraph (i) of paragraph (a) of subsection (1) shall be payable from the husband's death for life;
- (b) under sub-paragraph (ii) of paragraph (a) of subsection (1) shall be payable from the husband's death so long as she remains so incapable of work;
- (c) under sub-paragraph (iii) of paragraph (a) of subsection (1) shall be payable from the husband's death until the termination of pregnancy;
- (d) under sub-paragraph (iv) of paragraph (a) of subsection (1) shall be payable—
 - (i) from the husband's death; or
 - (ii) where she is at the husband's death then pregnant by him and is not otherwise entitled to pension under sub-paragraph (iv) aforesaid, from the termination of the pregnancy,

until such date as she ceases to have the care of a child of his or of their marriage, as the case may be, under the age of 18:

Provided that—

- (a) she shall not cease to be entitled to pension

because of any temporary cessation of her care of such child as aforesaid but pension shall not be payable for the period of such cessation;

- (b) the pension shall not be payable for any period after her remarriage or for any period during which she is cohabiting with a man as if she were his wife.

(4) Where a pension payable to a widow pursuant to sub-paragraph (ii), (iii) or (iv) of paragraph (a) of subsection (1) or pursuant to subsection (5) or (7) ceases otherwise than because of her remarriage, if she is then over the age of 55 and if three years have elapsed since the date of her marriage to her deceased husband, she will be entitled to widow's pension as from the date of such cessation for life at the rate which would be payable if, at her husband's death, she had satisfied the conditions of sub-paragraph (i) of paragraph (a) aforesaid.

25/1973
S. 4(b).

(5) Where—

- (a) at his death a husband satisfied the relevant contribution conditions for widow's pension and he and the widow had been married for not less than three years; and
- (b) the widow is not eligible for widow's pension under paragraph (a) of subsection (1) but would have been but for the fact that she is not then over the age of 55,

25/1973
S. 4(a).

such widow shall be entitled to widow's pension for a period of 52 weeks from the date of the husband's death, subject to the provisions of subsection (4):

Provided that where such widow remarries within such period she shall cease to be entitled to such pension and she shall not be entitled to a grant pursuant to subsection (6) but she shall be entitled to a grant equal to the weekly rate of widow's pension multiplied by the number of weeks by which the number of weeks between the date of her husband's death and the date of her remarriage falls short of 52.

25/1973
S. 4(a).

(6) Where—

25 1973
S. 4(a).

- (a) at his death a husband failed to satisfy the contribution conditions for widow's pension but satisfied the relevant contribution conditions for widow's grant and he and the widow had been married for not less than three years; and
- (b) the widow is not eligible for widow's grant under paragraph (a) of subsection (1) but would have been but for the fact that she is not then over the age of 55,

she shall be entitled to widow's grant.

(7) Where a widow is entitled to widow's pension pursuant to sub-paragraph (iii) or sub-paragraph (iv) of paragraph (a) of subsection (1), and her entitlement ceases (otherwise than because of her remarriage) before the expiry of fifty-two weeks from her husband's death, if she and her deceased husband had been married for not less than three years, she shall be entitled to widow's pension for a period not exceeding the number of weeks by which the number of weeks between the date of her husband's death and the cessation of pension falls short of 52, subject to the provisions of subsection (4).

25 1973
S. 4(a).

(8) Subject to the provisions of this Act, a widower's pension under paragraph (b) of subsection (1) shall be payable from the wife's death so long as he continues to satisfy the conditions as to incapacity and means specified therein.

Provided that the pension shall not be payable for any period after his remarriage or for any period during which he is cohabiting with a woman as if he were her husband.

(9) A widow or widower in receipt of widow's or widower's pension who remarries shall be entitled to a grant equal to 52 times the weekly rate of the pension to which he or she was entitled immediately before the remarriage.

(10) In this section 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.

Orphan's Benefit

Orphan's
benefit.

13.—(1) Subject to the provisions of this Act, a person who has the care of a child under the age of 18 whose parents are dead, shall be entitled to an orphan's pension in respect of that child if one at least of the parents satisfied the relevant contribution conditions, or to an orphan's grant if no parent satisfied the contribution conditions for orphan's pension but one at least of them satisfied the relevant contribution conditions for orphan's grant.

(2) [*Deleted by Act 22 of 2005.*]

(3) [*Deleted by Act 22 of 2005.*]

(4) In the case of a child who is in the care of a husband and wife, the wife only shall be entitled to orphan's pension or grant, as the case may be.

Special Child's Benefit

Special child's
benefit.

14.—(1) Subject to the provisions of this Act, a person who has the care of an illegitimate child under the age of 18 shall, if the conditions set out in subsection (2) are satisfied, be entitled to a special child's pension if the mother of the child satisfied the relevant contribution conditions, or to a special child's grant if the mother of the child failed to satisfy the relevant contribution conditions for special child's pension but satisfied the relevant contribution conditions for special child's grant.

(2) The conditions referred to in subsection (1) are that—

- (a) the mother of the child is dead;
- (b) the child was residing with and wholly or mainly maintained by its mother immediately prior to her death apart from any period in respect of which the Minister is satisfied that interruption of residence or maintenance, as the case may be, was of a temporary nature; and
- (c) the Minister is satisfied that the father of the child is dead or that the person who is the father of the child cannot be identified:

36/1976
Sch.

Provided that where the mother of the child dies within fourteen days of the birth of the child, condition (b) above shall be deemed to be satisfied.

(3) Payment of a special child's pension or grant, as the case may be, shall not be made to a man who was the husband of the mother at the date of her death.

(4) For the purposes of this section, a statement by the Minister that he is or is not satisfied on any question of residence, maintenance or fatherhood referred to in paragraph (b) or (c) of subsection (2) shall be conclusive.

(5) In the case of a child who is in the care of a husband and wife, the wife only shall be entitled to the special child's pension or grant, as the case may be.

Benefit Attributable to Injury or Disease in Employment

15.—(1) Subject to the provisions of this Act, where an insured person, on or after the declared day, suffers personal injury which is caused by an accident arising out of and in the course of his employment, being insurable employment, or develops any prescribed disease, being a disease due to the nature of his insurable employment, then he shall be entitled to—

Employ-
ment injury
benefit.

- (a) such medical treatment, free of charge, as may be prescribed and as may be considered by an independent authority to be necessary in consequence of the injury or disease :

27/1970
S. 7 (a).

Provided that where such treatment is obtained otherwise than from or through a prescribed medical institution, payment out of the Fund in respect of such treatment shall not exceed such limits as may be prescribed;

- (b) employment injury benefit for any continuous period of four days or more during which he is, as a result of the injury or disease, incapable of work within the period of twelve months commencing with the date of the accident or with the date of development of the disease (hereinafter called the "employment injury benefit period"):

27/1970
S. 7 (b).

Provided that—

- (i) employment injury benefit shall not be payable in respect of the first three days of any such period of incapacity;
- (ii) in determining whether the insured person is incapable of work on the day of the accident or the date of development of the disease, any part of that day before the happening of the accident or development of the disease shall be disregarded;
- (iii) notwithstanding that twelve months have not elapsed since the date of the accident or the date of development of the disease, as the case may be, the employment injury benefit period shall be deemed to have come to an end if the insured person has claimed and been awarded employment injury disablement pension in accordance with section 16; and for this purpose the date on which the employment injury benefit period shall be deemed to have come to an end shall be—

27/1970
S. 7 (c).

25/1973
S. 5.

(aa) the date three days after the date of the relevant accident or development of the relevant disease; or

(bb) the date on which the insured person was last incapable of work by reason of the relevant accident or disease prior to the making of his claim for employment injury disablement pension,

25/1973
S. 5.

whichever is the later;

(iv) where benefit is payable for part of a week, the daily rate of benefit shall be one-seventh of the weekly rate.

15/2014
Sch.

(2) For the purposes of this section and sections 16, 17 and 19 "employment" or "insurable employment" excludes service as a member of the Jamaica Defence Force or as a domestic worker.

(3) For the purposes of this Act, an accident arising in the course of an insured person's employment shall be deemed, in the absence of evidence to the contrary, also to have arisen out of that employment.

(4) A disease may be prescribed for the purposes of this Act, in relation to any insured persons if the Minister is satisfied that—

(a) it ought to be so prescribed, having regard to its causes and incidence and any other relevant considerations as a risk of their occupations and not as a risk common to all persons; and

(b) it is such that in the absence of special circumstances, the attribution of particular cases to the nature of the employment can be established or presumed with reasonable certainty,

and regulations prescribing any such disease may provide that a person who developed the disease on or at any time after a date specified in the regulations, being a date before

the regulations come into force but not before the declared day, shall be treated for the purposes of this Act, subject to any prescribed modifications, as if the regulations had been in force when he developed the disease.

(5) In this section any reference to a disease includes a reference to a personal injury not caused by accident and a reference to any condition which has resulted from a disease or personal injury.

(6) An accident shall be deemed to arise out of and in the course of an insured person's employment, notwithstanding that he is at the time of the accident acting in contravention of any legislation relating to his employment or in contravention of any orders given by or on behalf of his employer or that he is acting without instructions from his employer if—

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

(7) An accident happening while an insured person is, with the express permission of his employer, travelling as a passenger by any vehicle to or from his place of employment shall, notwithstanding that he is under no obligation to his employer to travel by that vehicle, be deemed to arise out of and in the course of his employment, if—

- (a) the accident would have been deemed so to have arisen had he been under such an obligation; and
- (b) at the time of the accident, the vehicle—
 - (i) is being operated by or on behalf of his employer or some other person by whom it is provided in pursuance of arrangements made with his employer; and

- (ii) is not being operated in the ordinary course of a public transport service.

For the purposes of this subsection, "vehicle" includes any vessel or aircraft.

(8) An accident happening to an insured person in or about any place of employment, at which he is for the time being employed for the purposes of his employer's trade or business, shall be deemed to arise out of and in the course of his employment, if it happens while he is taking steps in an actual or supposed emergency at that place of employment, to rescue, succour or protect persons who are thought to be, or possibly to be, injured or imperilled, or to avert or minimize serious damage to property.

(9) Provision may be made by regulations having effect on or after the declared day— 27/1970
S. 7 (d).

(a) for determining the time at which a person is to be treated for the purposes of this Act as having developed any prescribed disease and the circumstances in which any such disease is, where the person in question has previously suffered therefrom, to be treated as having recrudesced or as having been contracted anew;

(b) for modifying this section and sections 16, 17 and 19 in relation to claims for benefit in respect of a prescribed disease and in relation to questions arising in connection therewith; and

without prejudice to the generality of the foregoing such regulations may in particular include provision for presuming any prescribed disease—

- (i) to be due, unless the contrary is proved, to the nature of a person's employment where he was employed in any prescribed occupation at the time when, or within a prescribed period or for a prescribed length of time (whether continuous or not) before, he developed the disease;

- (ii) not to be due to the nature of a person's employment unless he was employed in some prescribed occupation at the time when, or within a prescribed period or for a prescribed length of time (whether continuous or not) before, he developed the disease.

Employment injury
disablement
pension.
25/1973
S. 6(a).

16.—(1) Subject to the provisions of this Act, an insured person shall be entitled to employment injury disablement pension (hereinafter referred to as "disablement pension") if, as a result of any such injury or disease as is referred to in subsection (1) of section 15, suffered or developed on or after the declared day, he is suffering from loss of physical or mental faculty:

Provided that, for the purpose of this section, there shall be deemed not to be a loss of faculty at any time when the extent of the resulting disablement is assessed in accordance with the following provisions of this section as not amounting to ten per cent.

(2) For the purposes of this section, the extent of disablement shall be assessed by reference to the disabilities incurred by the claimant as a result of the relevant loss of faculty in accordance with the following general principles, that is to say—

- (a) save as hereafter provided in this subsection, the disabilities to be taken into account shall be all disabilities (whether or not involving loss of earning power or additional expense) to which the claimant may be expected, having regard to his physical and mental condition at the date of the assessment, to be subject during the period taken into account by the assessment, as compared with a person of the same age and sex whose physical and mental condition is normal;
- (b) any such disability shall be treated as having been incurred as a result of the relevant loss of faculty

except that it shall not be so treated in so far as the claimant either—

- (i) would in any case have been subject to it as a result of a congenital defect or of an injury or disease received or contracted before the relevant accident or the date when the claimant first suffered from the relevant loss of faculty; or
 - (ii) would not have been subject to it but for some injury or disease received or contracted after, and not directly attributable to, that accident or development of the disease;
- (c) the assessment shall be made without reference to the particular circumstances of the claimant other than age, sex and physical and mental condition.

(3) Provision may be made by regulations having effect on or after the declared day for further defining the principles on which the extent of disablement is to be assessed, and such regulations may in particular direct that a prescribed loss of faculty shall be treated as resulting in a prescribed degree of disablement and specify a time at which an injury or disease shall be treated as having been received or contracted. 27/1970
S. 8(a).

(4) The period to be taken into account by an assessment of the extent of a claimant's disablement shall subject to subsection (5) be the period during which he has suffered, and may be expected to continue to suffer, from the relevant loss of faculty: 27/1970.
S. 8(b).

Provided that, if on any assessment the condition of the claimant is not such, having regard to the possibility of changes, whether predictable or not, as to allow of a final assessment being made up to the end of the said period—

- (a) a provisional assessment shall be made, taking into account such shorter period only as seems reasonable, having regard to his condition and the possibility aforesaid; and
- (b) on the next assessment, the period to be taken into account shall begin with the end of the period taken into account by the provisional assessment.

27/1970.
S. 8 (c).

(5) The period to be taken into account by an assessment of the extent of a claimant's disablement shall not begin earlier than the end of the injury benefit period or the date on which the injury benefit period would have been deemed to have ended if disablement pension had been awarded, whichever is the earlier.

25/1973
S. 6(b).

(6) An assessment shall state the extent of disablement in the form of a percentage, and shall also specify the period taken into account by the assessment and, where that period is limited by reference to a definite date, whether the assessment is provisional or final :

Provided that the said percentage and period shall not be specified more particularly than is necessary for the purpose of determining in accordance with this section, the claimant's rights to disablement pension.

25/1973
S. 6(c).

(7) Where the extent of the disablement is assessed for the period taken into account as amounting to a percentage which is not less than ten, disablement pension for that period shall be payable at a rate calculated in accordance with the appropriate conditions contained in the second column of the Third Schedule :

25/1973
S. 6(e).

Third
Schedule.

Provided that, where that period is limited by reference to a definite date, the pension shall cease on the death of the insured person before that date.

(8) If an insured person entitled to a disablement pension enters a hospital or any similar institution for the purpose of receiving treatment for the relevant injury or

27/1970
S. 8(d).

disease or loss of faculty, and the extent of disablement in respect of which the pension is payable was assessed at less than one hundred per cent, it shall be treated for the period for which he receives such treatment as an in-patient in the hospital or institution as if it had been assessed at one hundred per cent.

(9) Regulations having effect on or after the declared day may provide that where a person receives medical treatment as aforesaid for two or more distinct periods separated by an interval or intervals of less than a specified duration, he shall be treated for the purposes of this Act as receiving it continuously from the beginning of the first period until the end of the last.

17. Where a person suffers two or more successive accidents or diseases against which he is insured under this Act—

Successive accidents and diseases.

(a) he shall not for the same period be entitled to receive employment injury benefit and employment injury disablement pension but shall be entitled to receive the benefit which is payable at the higher rate;

(b) he shall not for the same period be entitled to receive more than one employment injury disablement pension, but in assessing his degree of disablement in connection with the second or subsequent claim to employment injury disablement pension, the total degree of disablement arising from all the relevant injuries or all the relevant diseases shall be assessed and he shall be entitled to disablement pension based on that assessment in lieu of any previous assessments and the rate of pension payable by reference to his gross wages shall be computed by reference to whichever of the gross wages was the higher or highest prior

27/1970
S. 9 (a).

27/1970
S. 9 (b).

25/1973
S. 7(a).
27/1970
S. 9 (c).

[The inclusion of this page is authorized by L.N. 57/1981]

to any of the relevant accidents, or to the date of development of any of the relevant diseases.

Disqualifica-
tion for
benefit in
certain
cases.
27/1970
S. 10.

18.—(1) Regulations (having effect on or after the declared day) relating to the determination of claims to benefit may provide for the forfeiture, by a person claiming or in receipt of employment injury benefit or disablement pension, of benefit or pension for a period not exceeding six weeks on any such forfeiture if the claimant or beneficiary—

- (a) without reasonable cause fails to comply with any requirement to submit himself to medical examination for the purpose of determining the effect of the relevant accident or disease or the treatment appropriate to the relevant injury disease or loss of faculty; or
- (b) without reasonable cause fails to comply with any requirement to submit himself to appropriate medical treatment for the said injury, disease or loss of faculty; or
- (c) in the case of employment injury benefit, behaves in any manner calculated to retard his recovery.

27/1970
S. 10.

(2) Subject to the provisions of section 52, benefit under sections 15, 16 and 19 shall not be payable in respect of an accident happening or disease developing while the insured person is outside Jamaica, so, however, that nothing in this subsection shall apply in the case of persons mentioned in paragraph 4(a) of the First Schedule.

First
Schedule.

Employ-
ment injury
death
benefit.

19. Subject to the provisions of this Act, if on or after the declared day an insured person suffers personal injury which is caused by an accident arising out of and in the course of his or her employment (being insurable employment), or develops any prescribed disease and he or she dies as a result of that accident or disease then—

- (a) if the insured person is a man, his widow shall be entitled to employment injury death benefit for the period of 52 weeks following the date of his death during which she does not remarry or cohabit with a man as if she were his wife, and in the event of her remarriage during that period, she shall be entitled to a grant equal to the weekly rate of employment injury death benefit multiplied by the number of weeks by which the number of weeks between the date of her husband's death and the date of her remarriage falls short of 52;
- (b) if the insured person is a man and employment injury death benefit is not payable to his widow or has ceased to be so payable other than because of her remarriage, or if the insured person is a woman, the Minister may, at his discretion direct payment—

(i) to any person who has the care of any child or children of the deceased under the age of eighteen;

27/1970
S. 11.

(ii) to the mother of the deceased if she was wholly or mainly dependent on him or her and is over the age of 55 on the day of the insured person's death,

of an allowance of such amount and for such period not exceeding 52 weeks from the date of the insured person's death as the Minister may determine:

Provided that the weekly rate of the allowance or, where more than one allowance is paid, the sum of the weekly rates of those allowances shall not exceed the weekly rate of the death benefit which, in the circumstances of the case, would have been payable to a widow.

Funeral Grant

20.—(1) Subject to the provisions of this Act, a funeral grant

Funeral
grant.

shall be payable on the death of —

- (a) a person who satisfies the relevant contribution conditions on the day of his death; or
- (b) a person whose death results from an employment injury or prescribed disease to which section 15 applies suffered or developed on or after the declared day; or
- 29/1988
S.2. (c) a person who, on the 30th day of June, 1987, is in receipt of a pension under the Sugar Workers Pension Scheme, 1960;
- 29/1988
S.2. (d) the spouse—
 - (i) of a person who satisfies the relevant contribution conditions on the day of the spouse's death; or
 - (ii) of a person who, on the 30th day of June, 1987, is in receipt of a pension under the Sugar Workers Pension Scheme, 1960, and who is in receipt of such a pension on the day of the spouse's death; or
- 9/2011
S. 5(c). (e) a special pensioner.

(2) A funeral grant shall, for the purposes of this Act, be treated as if it were a benefit due to the deceased at his death; and the provisions of section 25 shall apply accordingly, so, however, that, subject to any regulations, the reference in that section to creditors shall, as respects a funeral grant, be deemed to include any person who gives an undertaking in writing to pay the whole or part of the deceased's funeral expenses.

(3) Except where regulations otherwise provide, a funeral grant shall not be payable in respect of a death occurring outside Jamaica.

Maternity Benefit

20A.—(1) Subject to the provisions of this Act, an insured person who is employed as a domestic worker shall be entitled to a maternity allowance in respect of a pregnancy or confinement if she satisfies the relevant contribution conditions.

Maternity
allowance to
domestic
workers.
43/1979
S.3.

(2) A maternity allowance equivalent to the national minimum wage in force at the time of entitlement—

(a) shall be payable for eight weeks from—

(i) the week of claim, if the claim is made prior to the date of confinement; or

(ii) the date of confinement, in any other case;

(b) shall not be payable in respect of any period earlier than eleven weeks next before the expected date of confinement;

(c) shall not be payable unless the claimant confirms the date of confinement or expected date of confinement by furnishing—

(i) a certificate from a registered medical practitioner;

(ii) a certificate from a midwife registered under the Nurses and Midwives Act; or

(iii) such other evidence as the Minister shall consider satisfactory.

(3) In this section “confinement” has the meaning assigned to that expression in the Maternity Leave Act.

20B.—(1) Where in relation to any business granted approved status under the Certified Exporters Scheme an employer has paid in accordance with the provisions of the Maternity Leave Act, maternity leave pay for eight weeks to an insured person who is an employee employed in that business,

Grants to certified exporters in respect of maternity pay.
43/1979
S. 3.

the employer shall, subject to the provisions of this Act, be entitled to be paid a maternity grant equivalent to the amount (net of any statutory deductions made therefrom) paid to that employee in respect of the last two weeks of the eight weeks aforesaid.

(2) An employer in any such business as aforesaid shall not be entitled to a grant under subsection (1) unless not less than seventy-five per cent of the total labour force employed by him in that business consists of female labour.

(3) In this section "Certified Exporters Scheme" means the scheme for the encouragement of exports introduced by the Government on the 3rd day of January, 1979, under Ministry Paper No. 47 of 1978.

Miscellaneous Provisions in Regard to Benefit

Increase of old
age and
invalidity
pension for a
dependant
spouse.
14/2012
Sch.
w.e.f.
10.1.2013.

21. Subject to the provisions of this Act—

(a) an insured man who is entitled to an old age or invalidity pension shall be entitled to an increase of nine hundred dollars in the weekly rate of old age pension or invalidity pension if and so long as he has a wife—

(i) to whom he has been married for at least three years or who was, or, but for any disqualification for receipt of payment by reason of remarriage or cohabitation, would have been, in receipt of a widow's pension immediately prior to the marriage;

- (ii) who has attained the age of 55;
 - (iii) who is wholly or mainly dependent upon him for her livelihood; and
 - (iv) who is not in receipt of any benefit under this Act;
- (b) an insured woman who is entitled to an old age or invalidity pension shall be entitled to an increase of nine hundred dollars in the weekly rate of old age pension or invalidity pension if and so long as she has a husband—
- (i) to whom she has been married for at least five years or who was, or, but for any disqualification for receipt of payment by reason of remarriage or cohabitation, would have been, in receipt of a widower's pension immediately prior to the marriage;
 - (ii) who has attained the age of 60;
 - (iii) who is wholly dependent upon her for his livelihood and is incapable of work by reason of a specific disease or bodily or mental disablement which is likely to be permanent; and
 - (iv) who is not in receipt of any benefit under this Act.

14/2012
Sch.
w.e.f.
10.1.2013.

22.—(1) Subject to section 22A, where, but for this section, a person would be entitled for the same period to payment of more than one benefit payable at a weekly rate, other than

Duplicate
rights.
28/1993
S. 6.

orphan's pension or special child's pension, he shall be entitled to payment only of the benefit payable at the higher or highest rate, or if the benefits are payable at the same rate, to the benefit which was first awarded or which in all the circumstances the Minister may determine to be payable.

(2) Where, but for this section, a person would be entitled to payment of benefit in the form of a grant, other than a funeral grant or orphan's grant or special child's grant, the grant shall not be payable, if at the date by reference to which the grant is awarded, that person is entitled to old age, invalidity, widow's or widower's pension, or to employment injury death benefit.

(3) Where a person who has been awarded an invalidity grant becomes entitled to an old age grant he shall not be entitled to payment of the latter grant, except that where the amount of the old age grant exceeds the amount of the invalidity grant the excess shall be payable.

(4) Where a person who has been awarded an invalidity grant becomes entitled to an old age pension, he shall be liable to repay the amount of the grant, but such repayment shall be effected only by deduction from the old age pension otherwise payable of an amount not exceeding one dollar weekly for such period as may be necessary to effect recovery of the amount of the grant.

(5) Where a person is entitled to an old age or invalidity grant and is at the date of title entitled to employment injury benefit or to employment injury disablement pension payment of the grant shall be suspended until such

time as he ceases to be entitled to that benefit or pension or to employment injury disablement pension following that employment injury benefit, and on such cessation, only such amount shall be payable by way of grant as exceeds the amount payable by way of benefit or pension for the period from the date of title to the grant up to the date of cessation of benefit or pension.

(6) Regulations may prescribe the manner in which any adjustments of benefit under the foregoing provisions of this section shall be made.

22A. A person who—

(a) is entitled to or is in receipt of a pension under this Act; and

(b) fulfils the conditions for payment of a widower's or widow's pension under this Act,

shall, in addition to the pension referred to in paragraph (a), be entitled to a widower's or widow's pension.

23.—(1) Regulations may make provisions as to the time and manner of paying benefit and as to the information and evidence to be furnished by persons entitled to benefit when applying for payment, and without prejudice to the generality of the foregoing, may provide, notwithstanding anything in this Act, for adjusting the commencement and termination of benefit so that payments shall not be made in respect of periods less than a week or at different rates for different parts of a week, and for extinguishing the right to any sum payable by way of benefit where payment thereof is not obtained within six months or such shorter period as may be prescribed from the time at which such sum is receivable in accordance with the regulations.

(2) Regulations may provide for the suspension of payment of benefit to or in respect of any person during any period when he—

(a) is absent from Jamaica; or

(b) is undergoing imprisonment or detention in legal custody,

Parallel
rights.
28/1993
S. 7.

Regulations
with regard
to payment
of benefits
and as
respects
persons
abroad or in
prison.

and for the circumstances in which, and the manner in which, payment of the whole or any part of the benefit may, instead of being so suspended, be made during any such period to, or for the maintenance of, such persons as may be specified in the regulations being persons nominated by the person entitled to the benefit or who in the opinion of the Minister are dependants of that person.

27/1970
S.12.

(3) Without prejudice to the generality of subsection (1) regulations may provide that payment on account of benefit in respect of prescribed medical treatment under section 15 may be made to, or in respect of, an insured person in anticipation of any adjudication on a claim for such benefit and that, if, upon adjudication, the claim is not accepted, the whole or any prescribed part of the amount of the payment may be recovered from the insured person or from his employer or may be treated as benefit chargeable to the Fund.

Increase in
benefits.
9/2011
S.6.

23A.—(1) With effect from the 1st day of July, 2012, and on the 1st day of July in every two calendar years thereafter, the benefits referred to in subsection (2) shall be increased by ten *per cent* by order made by the Minister.

(2) The benefits subject to increase under subsection (1) are—

- (a) the special pension referred to in section 10A;
- (b) the old age and invalidity pension payable in respect of a dependant spouse under section 21;
- (c) the benefits set out in the Third Schedule;
- (d) the sugar workers old age and invalidity pension specified in paragraph 3 (c) of the National Insurance (Sugar Workers Transitional) Regulations, 1966; and
- (e) the benefits specified in paragraphs (2) and (3) of regulation 4 of the National Insurance (General Benefits) Regulations, 1966.

Third
Schedule.

PART IV. *Claims and Adjudication*

24. It shall be a condition of any person's right to any benefit—

Time and manner of making claims.

- (a) that, within the prescribed time, he makes a claim therefor to the Minister on the form provided by the Minister for that benefit or in such manner as the Minister may accept as sufficient in the circumstances of the case;
- (b) that he produces such certificates, documents, information and evidence for the purpose of determining the right to benefit as the Minister may from time to time require and for that purpose attends at such office or place as the Minister may appoint.

25.—(1) Where a person, who has made a claim for benefit, or who is alleged to be or to have been entitled to benefit, or to whom any benefit is payable, is unable to act, the Minister may appoint such persons as he may think fit to proceed with or to make a claim or to receive payment of benefit on behalf of or as representative of that person. Any person so appointed shall, for the purposes of this Act, be deemed to be the lawful representative of that other person.

Deceased persons and persons unable to act.

(2) Regulations may provide in connection with the death of any person, for enabling a claim for benefit to be made or proceeded with in his name, for authorizing payment or distribution of benefit to or amongst persons claiming as his personal representatives, legatees, next of kin or creditors (or, in cases of illegitimacy, to or amongst others) and for dispensing with strict proof of the title of persons so claiming.

(3) For the purposes of subsection (2) the expression "next of kin" shall be construed as referring to person who would take beneficially on an intestacy under the provisions of Part I of the Intestates' Estates and Property Charges Act.

Benefit to be inalienable.

26. Subject to the provisions of this Act, every assignment of, or charge on, benefit and every agreement to assign or charge benefit shall be void, and, on the bankruptcy of any person entitled to benefit, the benefit shall not pass to any trustee or other person acting on behalf of his creditors.

Repayment of benefit improperly received.

27.—(1) If it is found that any person, by reason of the non-disclosure or misrepresentation by him of a material fact (whether the non-disclosure or misrepresentation was or was not fraudulent), has received any sum by way of benefit while he was not entitled to that benefit, he shall be liable to repay 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 benefit to which he thereafter becomes entitled.

Independent authorities.

28.—(1) For the purposes of this Act, the Minister may—

- (a) appoint a panel of not more than four persons (being qualified in any case either as a barrister-at-law or as a member of the Jamaica Bar or as

a solicitor of the Supreme Court of Jamaica) to be umpires under this Act and the Minister may make such rules as he may think fit as to the distribution of business between such umpires;

- (b) establish local tribunals; and the provisions of the Fifth Schedule shall have effect as to the constitution of any such tribunal and otherwise in relation thereto; and
- (c) designate public officers as insurance officers to perform the duties by this Act conferred on insurance officers,

and such umpires, local tribunals and insurance officers are in this Act referred to as "independent authorities".

(2) The office of umpire shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica.

29.—(1) Any question as to the right to benefit and, subject to the provisions of this Act and to regulations made pursuant to subsection (3), any other question arising under or in connection with this Act shall be determined by an independent authority:

Provided that for the purposes of this section "any question as to a right to benefit" shall not include questions specified in the Sixth Schedule.

(2) Subject to the provisions of this Act, any question arising under or in connection with section 16 (hereinafter referred to as a "disablement question")—

- (a) whether an accident or disease has resulted in a loss of faculty;
- (b) whether a loss of faculty is likely to be permanent;
- (c) at what degree the extent of disablement resulting from a loss of faculty is to be assessed, and what period is to be taken into account by the assessment,

[The inclusion of this page is authorized by L.N. 57/1981]

shall be determined by a Medical Board or Medical Appeal Tribunal constituted in accordance with the provisions of this Act.

(3) The Minister may make regulations in relation to the determination of claims and questions arising under and in connection with this Act, and, without prejudice to the generality of the foregoing but subject to subsection (4), such regulations may provide for—

- (a) determination by the Minister of any question arising under this Act or the regulations;
- (b) the procedure to be followed by any person desiring to obtain a decision of the Minister, any independent authority, a Medical Board or a Medical Appeal Tribunal and the procedure to be adopted by the Minister or that authority, Medical Board or Medical Appeal Tribunal, as the case may be;
- (c) permitting in such circumstances as may be specified in the regulations—
 - (i) appeals to a local tribunal from decisions given by an insurance officer;
 - (ii) appeals to an umpire from decisions given by a local tribunal;
 - (iii) appeals to a Medical Board from decisions given by an insurance officer on any medical question other than a disablement question, and for the purpose of such appeals the Medical Board shall be deemed to be an independent authority;
- (d) the circumstances in which—
 - (i) the Minister may review any decision given by him;
 - (ii) an independent authority may review any decision given by that, or any other, independent authority;

27/1970
S. 13 (b).

- (e) the application of decisions of the Minister, a Medical Board, Medical Appeal Tribunal, or an independent authority in connection with any proceedings under this Act or the regulations;
- (f) the adjustment or repayment of benefit following a decision given on review or appeal;
- (g) enabling any case which appears to involve a question of fact of special difficulty, to be dealt with by a local tribunal or an umpire with the assistance of an assessor or assessors specially qualified,

and, subject to the provisions of the regulations, the decision in accordance therewith of an independent authority, the Minister, a Medical Board or a Medical Appeal Tribunal shall be final and shall not be subject to review in any court.

(4) Save as respects transitional provisions in regard to persons previously covered by the Sugar Workers Pension Scheme, 1960, it shall not be competent for any regulations made pursuant to this Act to provide—

- (a) for any question as to the right to benefit to be determined otherwise than by an independent authority;
- (b) for any disablement question to be determined otherwise than by a Medical Board or Medical Appeal Tribunal constituted in accordance with the provisions of this Act.

(5) Subject to the provisions of this section, regulations made thereunder may, in relation to the determination of questions under this Act or the regulations, include provision—

- (a) as to the procedure which is to be followed, the form which is to be used for any document, the evidence which is to be required and the circumstances in which any official record or certificate is to be sufficient or conclusive evidence;

- (b) as to the time to be allowed for making any claim or appeal, for raising any question with a view to the review of any decision or for producing any evidence; and
- (c) for summoning persons to attend and give evidence or produce documents and for authorizing the administration of oaths to witnesses.

It is hereby declared that the power to prescribe procedure includes power to make provision as to the representation of one person, at any hearing of a case, by another person whether having professional qualifications or not.

(6) Regulations may provide that where in any proceedings—

- (a) for an offence under this Act or the regulations; or
- (b) involving any question as to the payment of contributions under this Act; or

(c) for the recovery of any sums due to the Fund, any question arises which is required by regulations under this section to be determined by the Minister, a Medical Board, Medical Appeal Tribunal or an independent authority, the decision of that question on its determination as aforesaid shall be conclusive for the purpose of those proceedings; and the regulations under this subsection may make provision for obtaining such a decision when it has not been given, and for adjourning the proceedings until such a decision has been given.

(7) Regulations under subsection (3) of this section prescribing the procedure to be followed in cases before a local tribunal or the umpire shall provide that any hearing shall be in public except in so far as the tribunal or umpire for special reasons otherwise directs.

(8) Regulations may provide for the reference to the Court of Appeal for decision of any question of law arising in connection with the determination of a question

by the Minister under this Act or the regulations and for appeals to the Court of Appeal from decisions of the Minister on any such question of law; and on any such reference or appeal the Court of Appeal may order the Minister to pay the costs of any such person whether or not the decision is in favour of the appellant and whether or not the Minister appears on the reference or appeal.

30.—(1) There shall be paid to an umpire out of the Fund such salary or other remuneration as the Minister responsible for finance may determine and such expenses incurred in connection with the work of the umpire as may be so determined.

Authority
for pay-
ment of
expenses.

(2) There shall be paid—

(a) to—

(i) the chairman or other members of local tribunals, Medical Boards or Medical Appeal Tribunals;

(ii) persons sitting as assessors with a local tribunal;

(iii) medical practitioners appointed to act instead of a Medical Board;

(iv) medical practitioners appointed as medical advisers,

27/1970
S. 14 (a).

such remuneration and such travelling and other allowances;

(b) to persons required to attend on the consideration of a case before the umpire or before any such tribunal or Board or before a medical practitioner aforesaid, such travelling or other allowances;

27/1970
S. 14(b).

(c) such other expenses incurred in connection with the work of any such tribunal or Board or any medical practitioner aforesaid,

27/1970
S. 14(b).

as the Minister with the consent of the Minister responsible for finance may determine.

(3) In this section references to travelling and other allowances include references to compensation for loss of remunerative time:

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

Proceedings before local tribunals and the umpire.

31. Subject to the provisions of this Act or any regulations thereunder, the procedure for the consideration and determination of the right to benefit or of any question by a local tribunal or the umpire shall be such as the chairman of the tribunal or the umpire, as the case may be, shall determine.

Medical Boards and Medical Appeal Tribunals.

32.—(1) Medical Boards for the purposes of this Act shall be appointed by the Minister and shall consist of two or more medical practitioners of whom one shall be appointed as chairman:

Provided that the Minister may arrange with the Minister responsible for health that any Medical Board consisting of two or more medical practitioners appointed or recognized by that Minister shall be a Medical Board for the purposes of this Act.

(2) Medical Appeal Tribunals for the purposes of this Act shall be appointed by the Minister and shall consist of a chairman (being qualified either as a barrister-at-law or as a member of the Jamaica Bar or as a solicitor of the Supreme Court of Jamaica) and two medical practitioners and shall have power, on appeal from a decision of a Medical Board, to confirm, reverse or vary the decision of the Medical Board in whole or in part.

Reference of claims to disablement benefit to Medical Boards.

33.—(1) The case of any claimant for disablement benefit shall be referred by the insurance officer to a Medical Board for determination of the disablement questions and if, on that or any subsequent reference, the extent of the disablement is provisionally assessed, shall again be so referred not

later than the end of the period taken into account by the provisional assessment.

(2) If the claimant is dissatisfied with the decision of a Medical Board on a disablement question, he may appeal in the prescribed manner and within the prescribed time and thereupon the case shall be referred to the Medical Appeal Tribunal:

27/1970
S. 15.

Provided that an appeal shall not lie against a provisional assessment of the extent of disablement before the expiration of two years from the date of the first reference of the case to a Medical Board under subsection (1), nor where the period taken into account by the assessment falls wholly within the said two years.

(3) If the Minister notifies the insurance officer within the prescribed time that he is of opinion that any decision of a Medical Board ought to be considered by a Medical Appeal Tribunal, the insurance officer shall refer the case to a Medical Appeal Tribunal for their consideration, and the Tribunal may confirm, reverse or vary the decision in whole or in part as on an appeal.

34.—(1) Any decision under this Act of a Medical Board or a Medical Appeal Tribunal may be reviewed at any time by a Medical Board if satisfied by fresh evidence that the decision was given in consequence of the non-disclosure or misrepresentation by the claimant or any other person of a material fact (whether the non-disclosure or misrepresentation was or was not fraudulent).

Review of
medical
decisions.

(2) Any assessment of the extent of the disablement resulting from the relevant loss of faculty may also be reviewed by a Medical Board, if satisfied that since the making of the assessment there has been a substantial and unforeseen aggravation of the results of the relevant injury or relevant disease:

27/1970
S. 16.

Provided that an assessment shall not be revised under this subsection unless the Medical Board are of opinion

that, having regard to the period taken into account by the assessment and the probable duration of the aggravation aforesaid, substantial injustice will be done by not revising it.

(3) Except with the leave of a Medical Appeal Tribunal, an assessment shall not be reviewed under subsection (2) on any application made less than five years, or, in the case of a provisional assessment, six months, from the date thereof, and on such a review the period to be taken into account by any revised assessment shall not include any period before the date of the application.

(4) Subject to the foregoing provisions of this section, a Medical Board may deal with a case on a review in any manner in which they could deal with it on an original reference to them, and in particular may make a provisional assessment notwithstanding that the assessment under review was final; and section 33 shall apply to an application for a review under this section and to a decision of a Medical Board in connection with such an application as it applies to an original claim for disablement benefit and to a decision of a Medical Board in connection with such a claim.

Power to
make regu-
lations
permitting
reference
to single
medical
practitioner.

35.—(1) Notwithstanding anything in section 29 and in sections 32 to 34 (both inclusive) the Minister may by regulations provide that disablement questions may, with the consent of the claimant, be referred to a single medical practitioner appointed by the Minister instead of to a Medical Board:

Provided that the period to be taken into account by any assessment made by a single medical practitioner shall not exceed six months.

(2) Any decision on a reference made by virtue of this section shall have effect as if it were a decision of a Medical Board, and shall be subject to appeal and review,

[The inclusion of this page is authorized by L.N. 57/1980]

and may be referred for consideration to a Medical Appeal Tribunal, accordingly.

(3) Regulations made pursuant to this section may make provision as to the procedure to be adopted where, on a reference to a single medical practitioner, he is of opinion that a final assessment can be made but that the period to be taken into account exceeds six months.

36.—(1) The Minister may appoint medical practitioners (in this Act referred to as medical advisers) to examine and report on or advise the Minister or an independent authority on any medical question arising under this Act.

Appoint-
ment of
medical
advisers.
27/1970
S. 17.

(2) The office of medical adviser shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica.

PART V. *Administration and Finance*

37. The Minister may designate such public officers as he thinks fit to be inspectors for the purpose of giving effect to the provisions of this Act.

Administra-
tion by the
Ministry.

38.—(1) An inspector shall, for the purposes of this Act or the regulations, have power to do all or any of the following things, namely—

Power of
inspectors.

- (a) to enter at all reasonable times any premises or place (other than a private dwelling-house, not used by, or by permission of, the occupier for the purposes of a trade or business) where he has reasonable grounds for supposing that any employed persons are employed;
- (b) to make such examination and inquiry as may be necessary for ascertaining whether the provisions of this Act or the regulations are being or have been complied with in such premises or place;
- (c) to exercise such other powers as may be necessary for carrying this Act and the regulations into effect.

(2) The occupier of any such premises or place, and any other person who is or has been employing any employed person, and the servants and 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.

(3) If any person—

- (a) wilfully delays or obstructs an inspector in the exercise of any power under this section; or
- (b) without lawful excuse, refuses or neglects to answer any question or to furnish any information or to produce any document when required to do so under this section; or
- (c) conceals or attempts to conceal any person or prevents or attempts to prevent any person from appearing before or being questioned by an inspector,

he shall be guilty of an offence.

(4) Every inspector shall be furnished with a certificate of his appointment, and on applying for admission to any premises or place for the purposes of this Act or the regulations shall, if so required, produce the said certificate.

The
National
Insurance
Fund.

39.—(1) For the purposes of this Act, there shall be established, under the control and management of a public officer designated for the purpose by the Minister, a Fund called "The National Insurance Fund".

(2) There shall be paid into the Fund—

- (a) all contributions and any interest thereon payable by virtue of the provisions of this Act by employers and insured persons;
- (b) all rent, investment or other income derived from the assets of the Fund;

- (c) all sums recovered under this Act as fines, fees, penalties or costs;
- (d) all sums properly accruing to the Fund under this Act, including, without prejudice to the generality of the foregoing, the repayment of benefit; and
- (e) such other sums as may from time to time be received and accepted by the Minister on behalf of the Fund.

(3) Subject to subsection (4), payments out of the Fund shall not be made otherwise than in respect of claims for benefits, refunds of contributions paid in error, expenditure authorized by or pursuant to section 30 and payments to the Consolidated Fund pursuant to subsection (4) of section 40.

27/1970
S. 18.
17/1976
S. 3(2)
(a) & (b).
9/1980
S. 3(1).

(4) Any moneys and investments forming part of the Fund may from time to time be invested or realized, as the case may be, in accordance with the directions of the Minister responsible for finance.

(5) Accounts of the Fund shall be prepared in such form, in such manner and at such times as the Minister responsible for finance may direct and the Auditor-General shall examine and certify every such account and report thereon to the House of Representatives.

40.—(1) The Minister, with the approval of the Minister responsible for finance, shall in each financial year prepare, for approval by the House of Representatives, annual estimates of expenditure for the ensuing financial year in respect of administration expenses of the scheme of national insurance established by this Act other than the following items—

Annual estimates and expenses of administration.
9/1980
S. 4.

- (a) payment of benefits;
- (b) refund of contributions paid in error; and
- (c) expenses payable pursuant to section 30.

(2) Supplementary estimates may be prepared in like manner by the Minister at any time.

(3) The estimates referred to in subsections (1) and (2) shall, on approval by the House of Representatives, be authority, subject to the provisions of the Financial Administration and Audit Act, for the payment in the first instance of moneys appropriated in relation thereto by Parliament.

(4) Subject to subsection (6), there shall be paid out of the Fund into the Consolidated Fund, in such manner and at such time as the Minister responsible for finance may in consultation with the Minister direct, a sum equivalent to any amount expended pursuant to subsection (3).

(5) Expenditure in respect of the items specified at paragraphs (a), (b) and (c) of subsection (1) shall be met directly out of the Fund.

(6) Where it is made to appear to the Minister responsible for finance that the income of the Fund in any financial year is inadequate to meet expenditure chargeable to the Fund pursuant to subsections (3) and (4), the Minister responsible for finance shall in consultation with the Minister, direct that such expenditure or part thereof as may be considered appropriate, be borne by the Consolidated Fund, and, on each such occasion, make a report to the House of Representatives on the financial condition of the Fund.

Reports.

41.—(1) It shall be the duty of the Minister with the assistance of an actuary—

18/2016
S. 2(a).

(a) subject to subsection (3), to review the operation of this Act during the period ending on the fifth anniversary of the appointed day and during every period of five years thereafter and, on each such review, to make a report to the House of Representatives on the financial condition of the Fund; and

(b) to make an interim review of the operation of this Act if at any time he is not satisfied that the Fund is sufficient to discharge its liabilities and, on each such interim review, to make a report to the House of Representatives on the financial condition of the Fund.

(2) Notwithstanding subsection (1) it shall be the duty of the Minister to prepare a report annually on the operation of this Act and to lay such report before Parliament as soon as may be thereafter.

(3) With effect from the 4th day of April, 2016, subsection (1)(a) shall apply as if instead of the words “five years” the words “three years” were substituted therefor. 18/2016
S. 2(b).

42.—(1) If any report made under subsection (1) of section 41 shows that in the five year period following the period under review the annual income of the Fund is likely to be less than the annual expenditure, the Minister shall make an order for the amendment of any provision of this Act or any provision of a previous order made under this section, being such amendments as are likely to ensure that the annual income of the Fund will not be less than the annual expenditure at any time during the said five years. Power to
make
orders.

(2) Any order made by the Minister pursuant to this section shall be subject to affirmative resolution of the House of Representatives.

(3) With effect from the 4th day of April, 2016, subsection (1) shall apply as if instead of the words— 18/2016
S. 3.

(a) “five year period” the words “three year period” were substituted therefor; and

(b) “five years” the words “three years” were substituted therefor.

PART VI. *Miscellaneous*

43.—(1) For the purpose of giving effect to any agreement between the Government of Jamaica and the Government of any other country, being an agreement which provides for reciprocity in matters of social security, the Minister may make an order modifying or adapting the provisions of this Act or the Reciprocal
arrange-
ments.

regulations in their application to cases affected by the agreement.

(2) For the purpose of obtaining advantages for citizens of Jamaica under the social security legislation of any other country, the Minister may make an order modifying the provisions of this Act or the regulations in their application to nationals of that other country.

Offences
and penal-
ties.

11/1986
S. 2(a)(ii).
28/1993
S. 8.

11/1986
S. 2(a)(ii).

44.—(1) If any employer fails to pay, at or within the time prescribed for the purpose, any contribution which he is liable to pay pursuant to this Act, he shall for each offence be liable on summary conviction in a Resident Magistrate's Court to pay a fine not exceeding ten thousand dollars or treble the amount of contribution which is unpaid, whichever is the greater, and in default of such payment to imprisonment with or without hard labour for a period not exceeding twelve months.

(2) If any person—

- (a) buys, sells or offers for sale, takes or gives in exchange, or pawns or takes in pawn, or without lawful excuse destroys, any stamp card or any used insurance stamp; or
- (b) without lawful excuse, affixes any used insurance stamp to any stamp card; or
- (c) without lawful excuse tampers with any machine for the issue of insurance stamps or any seal affixed by authority of the Minister on any such machine; or
- (d) practices or is concerned in any fraudulent act, contrivance or device with intent to defraud the Fund of contributions; or
- (e) for the purpose of obtaining any benefit or other payment under this Act or the regulations, whether for himself or for some other person, or for any other purpose connected with this Act—
 - (i) knowingly or recklessly makes any false statement or false 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, he shall be liable, on summary conviction in a Resident Magistrate's Court to a fine not exceeding five thousand dollars or treble the amount of contribution in respect of which payment is sought to be evaded, whichever is the greater, or to imprisonment with or without hard labour for a term not exceeding twelve months, or to both such fine and imprisonment.

11/1986
S. 2(b).

11/1986
S. 2(b).

(3) If any person—

- (a) forges an insurance stamp;
- (b) makes or, without lawful excuse, has in his possession a die, plate, instrument or materials for forging an insurance stamp;
- (c) knowingly utters, sells, deals in, hawks, distributes, or uses, a forged insurance stamp;
- (d) causes or procures to be done, or knowingly aids, abets or assists in doing, any of the acts mentioned in paragraphs (a), (b) and (c),

he shall be guilty of a felony and shall be liable on conviction to imprisonment with or without hard labour for any period not exceeding seven years.

(4) If any person is guilty of any contravention of, or non-compliance with, any of the requirements of this Act in respect of which no special penalty is provided, he shall for each offence be liable on summary conviction before a Resident Magistrate to a fine not exceeding one thousand dollars or to imprisonment with or without hard labour for a period not exceeding six months and where such offence is continued after conviction such person shall be liable to a greater, or to imprisonment with or without hard labour for greater, or to imprisonment with or without hard labour for guilty of a continuing offence and in respect of each day during which such offence continues shall be liable to a fine not exceeding five hundred dollars.

11/1986
S. 2(c)(i)

11/1986
S. 2(c)(i)

(5) Where a person is convicted of any offence against this section or of an offence under regulations made pursuant to this Act and the evidence on which he is convicted shows that he, for the purpose of paying any contribution under this Act, has affixed to any stamp card any used insurance stamp, he shall be liable to pay into the Fund a sum equal to the amount of the contribution in respect of which the stamp was affixed.

(6) Where a person is convicted of an offence under subsection (1) or paragraph (b) of subsection (2) or of an offence under subsection (3) or of an offence under regulations made pursuant to this Act, if notice of intention to do so has been served on the defendant at least seven days before the commencement of the trial, evidence may be given—

(a) in the case of an employer—

(i) of the failure on his part to pay on behalf of or in respect of the same person other contributions under this Act during the two years preceding the date of the offence; and

(ii) in the case of an offence under subsection (1), of the failure on his part to pay, on the date of the offence or during the two years preceding that date, on behalf of or in respect of any other person employed by him any contributions under this Act; and

(b) in the case of an insured person (other than an employed person), of the failure on his part to pay other contributions as such an insured person during those two years,

and on proof of such failure the employer or the insured person, as the case may be, shall be liable to pay to the Fund a sum equal to the total of all the contributions which he is so proved to have failed to pay and any interest thereon payable pursuant to section 45.

(7) In any proceeding under this section with respect to used insurance stamps, a stamp shall be deemed to have been used if it has been affixed to or impressed on a stamp card or cancelled or defaced in any way whatsoever whether it has actually been used for the purpose of payment of a contribution or not.

(8) If the employer being a body corporate fails to pay to the Fund any sum which the employer has been ordered to pay pursuant to this section, that sum, or such part as remains unpaid, shall be a debt due to the Fund jointly or severally from any directors of the body corporate who knew, or could reasonably be expected to have known, of the failure to pay the contributions in question.

(9) Where an employer or an insured person is charged with any such offence as is mentioned in subsection (6) of this section and an order is made under subsection (1) of section 5 or subsection (2) of section 15 of the Probation of Offenders Act, the provisions of this section shall apply as if the making of the order were a conviction.

(10) Where an offence under this Act or any regulations thereunder which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any negligence on the part of, any director, manager, secretary or other officer of the body corporate, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(11) Any sum payable under the foregoing provisions of this section into the Fund shall be recoverable as a penalty and any such sum, other than a fine, shall, on recovery, be treated as a payment in satisfaction of the unpaid contributions; and no part of any such sum paid

by an employer shall be recoverable by him from the insured person in respect of whom or on whose behalf it was paid.

(12) Nothing in this section shall be construed as preventing the Minister from recovering by means of civil proceedings any sum due to the Fund.

35/1975
S. 4.

(13) Every person having any official duty of being employed in the administration of this Act shall regard and deal with as secret and confidential all documents, information, returns, assessment lists or copies of such lists obtained from the Commissioner of Income Tax and relating to the income or items of the income of any self-employed person and shall make and subscribe a declaration to that effect before a Justice of the Peace.

35/1975
S. 4.

(14) Every such person as is referred to in subsection (13) having possession of or control over any such documents, information, returns or assessment lists, or copies of such lists relating to the income or items of the income of any self-employed person, who at any time communicates or attempts to communicate such information or anything contained in such documents, returns, lists or copies of such lists to any person—

(a) other than a person to whom he is authorized by the Minister responsible for finance to communicate it; or

(b) otherwise than for the purpose of this Act, shall be guilty of an offence against this Act and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding five thousand dollars and in default of payment to imprisonment with or without hard labour for a term not exceeding twelve months.

11/1985
S. 2(d)

Civil proceedings.

45.—(1) All sums due to the Fund by way of contributions, unless regulations otherwise provide or the Minister otherwise determines, shall bear interest at the rate of eight

per cent per annum or such other rate and as from such date as may be prescribed and shall be recoverable as debts due to the Fund, and without prejudice to any other remedy, may be recovered on behalf of the Fund by a person designated by the Minister summarily in a Resident Magistrate's Court, without limit of amount, as a civil debt.

(2) A certificate of the Minister that any sum due to the Fund or interest thereon is payable under this Act and that payment has not been made to the Fund, or, to the best of his knowledge and belief, to any person acting on behalf of the Fund, shall be sufficient evidence that the sum mentioned in the certificate is unpaid and is due to the Fund, and any document purporting to be such a certificate as is mentioned in this subsection shall be deemed to be such a certificate unless the contrary is proved.

46. Subject to the provisions of any other enactment, in any action or other legal proceedings brought against any officer in respect of any act done in pursuance or execution or intended execution of this Act or the regulations, the plaintiff shall not recover unless he alleges in his pleading and proves at the trial that such act was done either maliciously or without reasonable and probable cause.

Proceedings
against
officers
under this
Act.

47. Any inspector or other officer may be authorized by the Minister to institute or conduct proceedings for an offence against this Act or the regulations which is triable summarily.

Power of
officer to
conduct
proceedings.

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

- (a) to pay any contributions which under this Act or the regulations he is liable to pay in respect of or on behalf of any employed person in his employment; or

Proceedings
against
employer
for benefit
lost by
employer's
default.

- (b) to comply, in relation to any such person, with the requirements either of this Act or of any regulations thereunder relating to the payment and collection of contributions,

and by reason thereof that person or any other person to whom benefit under this Act may have been payable has lost, in whole or in part, the benefit to which he or she would have been entitled, that person or that other person, as the case may be, shall be entitled to recover summarily from the employer in a Resident Magistrate's Court as a civil debt a sum equal to the amount of the benefit so lost, or if that benefit is an old age pension, an invalidity pension, a widow's pension or orphan's pension or special child's pension a sum not exceeding twelve and one-half times the maximum annual old age pension payable at the date of entitlement.

22/2005
S. 4.

(2) Proceedings may be taken under this section notwithstanding that proceedings have been taken under any other section of this Act in respect of the same failure or neglect.

Designation of
responsible
officer by
body
corporate.
11/1986
S. 3.

48A.—(1) Where an employer is a body corporate, such employer shall designate an officer of that body corporate (hereafter in this section referred to as the “responsible officer”) who shall be—

- (a) answerable for doing all such acts, matters and things as are required to be done by virtue of this Act or the regulations for the payment of contributions; and

- (b) responsible for making payment to the Fund of all contributions due to the Fund in respect of or on behalf of employed persons employed by that body corporate, in accordance with the provisions of this Act and the regulations relating to the payment of such contributions.

(2) The employer shall give written notice to the Collector of Taxes of any designation made pursuant to subsection (1) and shall also notify the Collector of Taxes of any change in that designation.

(3) In the absence of any designation pursuant to subsection (1), the person who is the managing director of the body corporate or, as the case may be, the person who (by whatever name called) performs the duties normally carried out by a managing director or, if there is no such person, the person in Jamaica appearing to the Collector of Taxes to be primarily in charge of the body corporate's affairs, shall for the purposes of this section be deemed to be the responsible officer.

(4) A responsible officer shall, within fifteen days after the end of each month, notify the Collector of Taxes of any outstanding balances of contributions payable to the Fund by the body corporate as at the end of that month and any responsible officer who fails to do so shall be guilty of an offence under this Act.

(5) A responsible officer who fails or neglects to carry out his duties in accordance with this section shall—

- (a) in the event of failure or neglect to make payment of contributions as required by this section, be jointly and severally liable together with the body corporate, for the contributions and any penalty in relation thereto;
- (b) in any other case, be liable (together with the body corporate) for any penalties under this Act,

unless he satisfies the Collector—

- (i) that there were *bona fide* reasons for the failure or neglect and that the payment of contributions could not have been made in the circumstances; or
- (ii) that he was overruled by the board of directors (hereinafter referred to as the board) or was otherwise prevented by the board or by any directors thereof from carrying out his duties under this section.

(6) If the Collector is not satisfied as to the matters referred to in subsection (5) (b) (i) or (ii), as the case may be, he shall advise the responsible officer concerned of his decision in writing.

(7) Where the responsible officer satisfies the Collector pursuant to subsection (5) (b) (ii) that he was overruled or prevented as mentioned in that subsection, each director shall be jointly and severally liable (together with the body corporate) for the contributions and any penalty in relation thereto unless he proves that—

- (a) there were *bona fide* reasons for overruling the responsible officer or preventing payment and that payment of contributions could not have been made in the circumstances; or
- (b) he was neither a party to the decision by the board to overrule the responsible officer nor a party to any action by the board or any other director to prevent payment.

(8) A person who is designated a responsible officer shall not be liable in respect of contributions which became payable—

- (a) prior to his designation; or
- (b) during any period when, consequent on notification to the Collector, he is not the responsible officer.

(9) In this section—

“body corporate” means—

(a) a statutory body or authority; and

(b) a company;

“company” means a company incorporated or registered under the Companies Act.

49. [*Deleted by Act 28 of 2003, S. 2.*]

Regulations.

50.—(1) The Minister may make regulations required by this Act to be made or for the purpose of modifying or affecting the operation of any provision of this Act expressed (in whatever terms) to be subject to the provisions of any regulations or as the Minister may consider necessary or desirable generally for the better carrying into effect of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1) the Minister may by such regulations—

(a) prescribe any matter which may be or is required to be prescribed under the provisions of this Act;

(b) require employers—

- (i) to submit returns of persons employed by them, at such interval and in such manner as may be prescribed;
 - (ii) to take reasonable steps to investigate the circumstances of every accident or disease of which notice is given to them;
 - (iii) to keep a register of accidents as may be prescribed;
 - (iv) to give to the Minister such notices or returns as may be thereby required of any accident or disease, whether fatal or not, which has occurred in his place of employment;
- (c) except such categories of insured persons as may be specified therein from liability to pay contributions for such periods as may be prescribed;
- (d) provide for determining the circumstances in which a person is or is not to be deemed for the purposes of this Act to be wholly or mainly maintaining another person;
- (e) provide for treating a person for the purposes of this Act as incapable of work as the result of an accident or disease when he would not be so treated apart from the regulations, and may also make provision—
- (i) as to the days which, in the case of a person who at any time is or is to be treated as incapable of work as the result of an accident or disease, are or are not to be treated for the purpose of benefit as days of incapacity for work; and
 - (ii) as to the day which, in special cases, is to be treated for the purpose of benefit as the

27/1970
S. 20.

day of the accident or date of development of the disease;

- (f) require the prescribed notice of any accident, or the development of any disease, in respect of which benefit may be payable to be given within the prescribed time by the insured person, or, where within that time he dies as a result of the accident or disease, by such other person as may be prescribed, to the insured person's employer or other prescribed person;
- (g) require claimants for, and beneficiaries in receipt of, benefit under section 15 or 16—
 - (i) to submit themselves from time to time to medical examination for the purpose of determining the effect of the relevant accident or disease, or the treatment appropriate to the relevant injury, disease or loss of faculty;
 - (ii) to submit themselves from time to time to appropriate medical treatment for the relevant injury, disease or loss of faculty;
- (h) from time to time, increase the reduced weekly rates payable pursuant to regulations made under subsection (7) of section 9 and the weekly rates payable under regulations made pursuant to paragraphs (b) and (c) of subsection (3) of section 52.

(3) Without prejudice to the provisions of section 29 of the Interpretation Act, regulations under this Act may provide in respect of a breach of any of the provisions thereof that the offender shall be liable to such fine not exceeding two hundred dollars or to such term of imprisonment with or without hard labour not exceeding six months or to both such fine and imprisonment as may be therein prescribed.

[The inclusion of this page is authorized by L.N. 57/1981]

(4) Except in so far as this Act otherwise provides, any power conferred thereby to make regulations may be exercised—

- (a) either in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of case; and
- (b) so as to make, as respects the cases in relation to which it is exercised—
 - (i) the full provision to which the power extends or any less provision (whether by way of exception or otherwise);
 - (ii) the same provision for all cases in relation to which the power is exercised or different provision for different cases or classes of case, or different provision as respects the same case or class of case for different purposes of this Act;
 - (iii) any such provision either unconditionally or subject to any specified condition.

(5) Without prejudice to any specific provision in this Act, any regulations under this Act may contain such incidental or supplementary provisions as appear to the Minister to be expedient for the purposes of the regulations.

51.—(1) Subject to subsection (2), this Act shall bind the Crown.

Crown
servants.

(2) This Act shall apply to the Crown and to persons employed by or under the Crown in like manner as if the Crown were a private person subject to such modifications as may be made therein by order made by the Minister for the purpose of adapting the provisions of this Act to the case of the Crown and of such persons.

Mariners
and
airmen.
27/1970
S. 21.
First
Schedule.

52.—(1) The Minister may make regulations modifying in such manner as he thinks proper the provisions of this Act in their application to persons referred to in paragraph 2 of the First Schedule, in this section referred to as “mariners” and “airmen”.

(2) Any such regulations may in particular, without prejudice to the generality of subsection (1), provide—

- (a) for the payment of benefit to mariners and airmen in respect of accidents happening, and prescribed diseases and injuries contracted or received, while they are outside Jamaica;
- (b) for treating as accidents arising out of and in the course of the employment of a mariner or airman accidents happening while he is proceeding to or from his ship, vessel, or aircraft or in any other prescribed circumstances;
- (c) for the taking of evidence, for the purpose of any claim by a mariner or airman to benefit—
 - (i) in any Commonwealth country, before a consular officer of Jamaica or a judge or magistrate or by a superintendent within the meaning of the Merchant Shipping Act, 1894 (U.K.);
 - (ii) in any other country, by a Jamaican or British consular officer;
- (d) for withholding any benefit to which a mariner may be entitled for any period during which the owner of his ship or vessel is under a statutory obligation to pay him wages;
- (e) for enabling a mariner or airman to authorize the payment of the whole or part of any benefit to which he is or may become entitled to such of his dependants as may be prescribed.

(3) Any regulations making the provision mentioned in paragraph (a) of subsection (2) may be extended—

- (a) so far as they relate to mariners to any person who, in the course of his employment as an apprentice pilot, is on board any ship or vessel, notwithstanding that he is not a mariner within the meaning of this section;
- (b) so far as they relate to airmen, to any person who, in the course of insurable employment is on board an aircraft on a test flight starting in Jamaica, notwithstanding that he is not an airman within the meaning of this section.

Transitional and Commencement Provisions

53.—(1) In relation to self-employed persons and such other persons as may be prescribed, the provisions of this Act which govern the entry into insurance of such persons and the payment of contributions shall be deemed not to come into operation until the first anniversary of the appointed day or such date*, being a date not earlier than that anniversary, as may be specified by the Minister by order, so, however, that nothing in this section shall preclude the calculation of the yearly average of contributions paid by such persons by reference to any period commencing with the appointed day.

Commencement provisions with regard to contributions of self-employed persons and other prescribed persons.

*Vide L.N. 86/1967

(2) An order under subsection (1) may specify different days for different purposes of this Act or for the same purpose in relation to different cases or classes of case and may contain such incidental or supplementary provisions as appear to the Minister to be necessary or expedient as respects any period of transition to the time when this Act has full effect in relation to such persons as aforesaid.

Modification of the Workmen's Compensation Act in relation to persons entitled to injury benefits. 27/1970 S. 22.

54. From and after the declared day, where an insured person suffers any such personal injury or develops any such disease as is mentioned in section 15 he shall not, if he is entitled to benefit under section 15 or 16 or if, in relation to him, benefit is payable pursuant to section 19, be regarded as a workman in relation to such injury or disease for the purposes of the Workmen's Compensation Act.

Measure of damages where section 54 applies.

55.—(1) Where, consequent on the provisions of section 54, in relation to personal injury an insured person is not regarded as a workman for the purposes of the Workmen's Compensation Act the following provisions of this section shall apply as respects that insured person.

(2) In an action for damages for personal injuries (including any such action arising out of a contract) where the injury was caused by the personal negligence or wilful act of the employer or of some person for whose act or default the employer is responsible, there shall, in assessing those damages, be taken into account, against any loss of wages or profits which has accrued or probably will accrue to the insured person from the injuries, one-half of the value of any rights which have accrued or probably will accrue to him therefrom in respect of employment injury benefit or employment injury disablement pension for the five years beginning with the time when the cause of action accrued.

This subsection shall not be taken as requiring both the gross amount of the damages before taking into account the said rights and the net amount after taking them into account to be found separately.

(3) The reference in subsection (2) to assessing the damages for personal injuries shall, in cases where damages otherwise recoverable are subject to reduction under the law relating to contributory negligence or are limited by or under any enactment or by contract, be taken as referring

to the total damages which would have been recoverable apart from the reduction or limitation.

(4) For the purposes of this section—

- (a) “employer”, in relation to a person who has suffered personal injury, means the employer of that person at the time of such injury;
- (b) the expression “personal injury” includes any disease and any impairment of a person’s physical or mental condition, and the expression “injured” shall be construed accordingly;
- (c) employment injury disablement gratuity shall be treated as benefit for the period taken into account by the assessment of the extent of the disablement in respect of which it is payable.

56. [*Repealed by Act 18 of 1990, S. 10.*]

57.—(1) Where—

- (a) before the appointed day a person becomes entitled to an employment injury disablement grant pursuant to section 16; and
- (b) the period covered by the assessment of disablement by which his title arises expires after the appointed day; and
- (c) during such period, but after the appointed day, he suffers a further accident or develops a further disease,

Transitional
provisions.
25/1973
S. 12.

the total degree of disablement arising from all the relevant injuries or diseases shall be assessed and he shall be entitled to a disablement pension; but the weekly rate of disablement pension shall be reduced during the unexpired portion of the period by reference to which the disablement

grant was assessed by the amount which would have been payable weekly had a pension been payable in lieu of a grant:

Provided that prior to any such reduction the rate of disablement pension payable on the second or subsequent occasion shall be computed by reference to whichever of the gross wages was the highest prior to any of the relevant accidents or diseases.

(2) Where—

- (a) before the appointed day a person becomes entitled to an employment injury disablement grant pursuant to section 16; and
- (b) the period covered by an assessment of disablement by which his title arises expires after the appointed day; and
- (c) during such period, but after the appointed day he becomes entitled to an old age, invalidity, widow's or widower's pension or to employment injury death benefit,

he shall be liable to repay the equivalent of the unexpired portion of the grant as at the date of title to the said pension or benefit, but such repayment shall be effected only by deduction from the pension or benefit otherwise payable of an amount not exceeding one dollar weekly as may be necessary to effect recovery of the amount of grant required to be repaid.

(3) Where—

- (a) before the appointed day a person becomes entitled to an employment injury disablement grant pursuant to section 16; and

- (b) the period covered by an assessment of disablement by which his title arises expires after the appointed day; and
- (c) during such period, but after the appointed day, he becomes entitled to an old age, invalidity, widow's or widower's grant,

such grant shall not be payable except that where the amount of such latter grant exceeds such portion of the employment injury disablement grant as is attributable to the unexpired portion of the period covered by the assessment, the excess shall be payable.

(4) In this section "appointed day" means the 12th August, 1973.

FIRST SCHEDULE (Sections 2 and 3)

Insurable Employments

1. Employment in Jamaica under any contract of service or apprenticeship, written or oral, and whether express or implied.

2. Employment as aforesaid outside Jamaica of a person domiciled or having a place of residence in Jamaica—

(a) as master or a member of the crew of any vessel, registered in Jamaica, or of any other vessel of which the owner, or, if there is more than one owner, the managing owner or manager, resides or has his principal place of business in Jamaica, or in any other capacity on board any such vessel;

(b) as pilot, commander, navigator or member of the crew of any aircraft flying the Jamaican flag, or in any other capacity on board any such aircraft:

Provided that, in either case, the employment in that other capacity is for the purposes of the vessel or aircraft or the crew or of any passengers or cargo or mails carried thereby.

3. Service as a member of the Jamaica Defence Force.

4. Employment outside Jamaica of a person domiciled or having a place of residence in Jamaica—

(a) as a member of the diplomatic or consular service of Jamaica;

(b) as a domestic worker employed by a person specified in subparagraph (a) hereof.

SECOND SCHEDULE
Contribution Rates

(Sections 4 and 7) 9/2011
S. 7.
w.e.f.
02.08.2010.

Description of Insured Person	Weekly Rate of Contribution		
	Payable by Insured Person	Payable by Employer	
1. (a) An employed person over the age of 18 years and under retirement age, employed as a domestic worker .	\$50.00 per week.	\$50.00 per week.	4/2012 Sch. w.e.f. 7.1.2013 .
(b) Any other employed person over the age of 18 years and under retirement age, or a member of the Jamaica Defence Force.	2 ½% of earnings, so, however, that account shall be taken only of so much of such earnings as does not exceed \$28,846.00 per week or \$1,500,000.00 per annum and ½% of the earnings so collected shall be paid from the National Insurance Fund to the National Health Fund.	2 ½ % of earnings of employed person, so, however, that account shall be taken only of so much of such earnings as does not exceed \$28,846.00 per week or \$1,500,000.00 per annum and ½% of the earnings so collected shall be paid from the National Insurance Fund to the National Health Fund.	9/2011 S. 7. w.e.f. 2.8.2010. 14/2012 Sch. w.e.f. 7.1.2013 .
2. Any self-employed person over the age of 18 years and under retirement age who is not liable to pay a contribution as an employed person.	\$100.00 per week the yearly aggregate of which shall be taken into account when assessing liability to pay contributions at 5% of total yearly earnings.		9/2011 S. 7. w.e.f. 2.8.2010. 14/2012 Sch. w.e.f. 7.1.2013 .
3. Any voluntary contributor over the age of 18 being the holder of a certificate of voluntary insurance.	\$100.00 per week.		14/2012 Sch. w.e.f. 7.1.2013 .

18/1990
S.11.

THIRD SCHEDULE

(Section 9)

RATE OR AMOUNT OF BENEFIT

1 Description of Benefit	2 WEEKLY RATE OF PENSION		3 AMOUNT OF GRANT	
	Basic	Additional Pension	Basic	Additional Pension
1. Old age and invalidity pension	\$2,800.00	6c for each unit of \$13.00 paid by way of contributions by and in respect of the insured person: Provided that, in a case, where the claimant to invalidity pension has not been insured for at least 10 years before the number of units is calculated the amount of contributions shall be multiplied by a fraction of which the numerator is the lessor of 10 or the number of years (calculated to the nearest one-twelfth) lying between the date of entry into insurance and the date on which the insured person would attain age 65 in the case of a man or age 60 in the case of a woman, and the denominator is the number of years in insurance (calculated to the nearest one-twelfth).	\$50,000	(a) \$10.80 in respect of each complete 13 weekly contributions paid by and in respect of the insured person; and (b) \$9.36 for each unit of \$13.00 paid by and in respect of the insured person by way of contributions.
2. Widow's and widower's benefit				

4/2012
Sch.
w.e.f.
10.1.2013.

THIRD SCHEDULE, *contd.*

(Section 9)

RATE OR AMOUNT OF BENEFIT

1 Description of Benefit	2 WEEKLY RATE OF PENSION		3 AMOUNT OF GRANT		
	Basic	Additional Pension	Basic	Additional Pension	
(a) in the case of the death of a spouse who was not in receipt of old age or invalidity pension at the date of death;	\$2,800.00	3c for each unit of \$13.00 paid by way of contributions by and in respect of the deceased.	\$50,000	(a) \$10.80 in respect of each complete 13 weekly contributions paid in excess of 52 by the deceased; and (b) \$9.36 in respect of each unit of \$13.00 paid by and in respect of the deceased by way of contribution.	4/2012 Sch. w.e.f. 7.1.2013.
(b) in the case of the death of a spouse who was in receipt of old age or invalidity pension at date of death.	\$2,000.00	One-half of the increase calculated under (a).			4/2012 Sch. w.e.f. 7.1.2013.
3. Orphan's and Special Child's Benefit.	\$4,900.00		\$55,000	(a) \$18.00 in respect of each complete 13 weekly contributions paid in excess of 52 by the deceased; and	4/2012 Sch. w.e.f. 7.1.2013.

RATE OR AMOUNT OF BENEFIT

1 Description of Benefit	2 WEEKLY RATE OF PENSION		3 AMOUNT OF GRANT	
	Basic	Additional Pension	Basic	Additional Pension
4. Employment Injury benefit (for temporary incapacity).		Three-fourths of the insured person's gross weekly wage prior to the date of the accident or the development of the prescribed disease but not exceeding \$2,500.00 per week.		(b) \$9.36 in respect of each unit of \$13.00 paid by and in respect of the deceased by way of contributions.
5. Employment Injury Disablement. Pension— (a) Where the degree of disablement is assessed as 95% to 100%; (b) Where the degree of disablement is assessed as between 94% and 10% (a percentage which is not a multiple of 10 shall be treated—		(a) As for employment injury benefit. (b) The proportion of the rate of employment injury benefit which the degree of disablement bears to 100.		

4/2012
Sch.
w.e.f.
1.7.2013.

THIRD SCHEDULE, *contd.* (Sections 9)
 RATE OR AMOUNT OF BENEFIT

1 Description of Benefit	2 WEEKLY RATE OF PENSION		3 AMOUNT OF GRANT		39/1997 Sch. w.e.f. 1.1.96
	Basic	Additional Pension	Basic	Additional Pension	
(i) if it is a multiple of 5 as being the next higher percentage which is a multiple of 10;					
(ii) if it is not a multiple of 5 as being the nearest percentage which is a multiple of 10).					
6. Employment Injury Death Benefit—		As for employment injury benefit.			
7. Funeral Grant			\$80,000		14/2012 Sch. w.e.f. 1.7.2013.

FOURTH SCHEDULE (Section 9)

CONTRIBUTION CONDITIONS

Old Age, Widows' and Widowers' Pension

1. (1) The contribution conditions for old age, widows' or widowers' pensions are that—

- (a) not less than 156 contributions have been paid by the relevant person in respect of the period between the person's entry into insurance and the relevant time; and
- (b) the yearly average of the contributions paid by or credited to that person (ascertained as at the relevant time) is not less than 39,

Provided that for the purposes of sub-paragraph (b) a widow may elect that for each contribution year which falls partly or wholly during the period of her marriage, the contributions paid by her deceased husband may be substituted for the contributions paid by herself for each of those years.

FOURTH SCHEDULE, *contd.*

(2) In this paragraph—

- (a) the expression “relevant person” means the person by whom the conditions have to be satisfied;
- (b) the expression “relevant time” means the date of the relevant person attaining retirement age or dying under that age.

Invalidity Pension

2. The contribution conditions for invalidity pension are that—

- (a) not less than 156 contributions have been paid by the claimant in respect of the period between his entry into insurance and the day from which the pension is claimed; and
- (b) the yearly average of the contributions paid by or credited to the claimant (ascertained as at the date from which the incapacity commences) is not less than 39.

Orphan's and Special Child's Pension

3. (1) The contribution conditions for orphan's or special child's pension are that—

- (a) not less than 156 contributions have been paid by the relevant person in respect of the period between his entry into insurance and the relevant time;
- (b) the yearly average of the contributions paid by or credited to that person (ascertained as at the relevant time) is not less than 13.

(2) In this paragraph—

- (a) the expression “relevant person” means the person by whom the condition has to be satisfied;
- (b) the expression “relevant time” means the date of the relevant person attaining retirement age or dying under that age.

Old Age, Widow's, Widower's, Invalidity, Orphan's and Special Child's Grant

4. (1) The contribution conditions for old age, widow's, widower's, invalidity, orphan's grant or special child's grant is that not less than 52 contributions have been paid by the relevant person in respect of the period between that person's entry into insurance and the relevant time.

(2) In this paragraph—

- (a) the expression “relevant person” means the person by whom the condition has to be satisfied;
- (b) the expression “relevant time” means the date of the relevant person attaining retirement age or dying under that age or in the

27/1990
S. 24 (a).

claim to invalidity benefit, the date 26 weeks after the commencement of the incapacity.

Funeral Grant

5. (1) The contribution condition for funeral grants shall be satisfied where a relevant person or spouse of the relevant person, at the relevant time, is qualified to receive or is in receipt of old age or invalidity pension. 25/1973
S.10.

(2) In this paragraph—

- (a) the expression "relevant person" means the person by whom the condition has to be satisfied;
- (b) the expression "relevant time" means the date of the deceased's death or where immediately before that date the relevant person was dead, the date on which the relevant person died.

Maternity Allowance

6. The Contribution conditions for maternity allowances are that not less than twenty-six contributions have been paid as a domestic worker in the period of fifty-two weeks immediately preceding the period for which the allowance is payable: 43/1979
S.4.

Provided that for the purposes of this paragraph, a domestic worker may, in relation to any pregnancy, elect to have the period of fifty-two weeks aforesaid determined by reference to any date not earlier than eleven weeks before her expected week of confinement for that pregnancy.

FIFTH SCHEDULE

(Section 28)

Local Tribunals

1. Each local tribunal shall consist of—

- (a) one or more members drawn, in accordance with paragraph 3, from a panel of persons chosen by the Minister to represent employers in the area for which the panel is established;
- (b) an equal number of members drawn, in accordance with paragraph 3, from a panel of persons chosen by the Minister to represent insured persons in that area; 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 shall be eligible for reappointment.

2. (1) The Chairman of each local tribunal and the members of the panels shall be appointed by the Minister, so, however, that before appointing members to either of the panels, the Minister may take into consideration any recommendation from organizations concerned with the interests of employers or insured person.

(2) In the absence or inability to act of the chairman the Minister may appoint another person to act temporarily as chairman.

3. As far as practicable, the members of each panel shall be summoned by the Minister to serve in turn on the local 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) in which he is or may be directly affected: or

(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 local 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 Minister.

6. The Minister may if he considers it expedient so to do at any time revoke the appointment of the chairman or any member of a panel.

SIXTH SCHEDULE

(Section 29)

Specified Questions

Any question as to—

(1) whether a person is or was an insured person;

(2) whether a person is or was employed in insurable employment;

(3) the class of insured persons in which a person is to be included;

(4) whether the contribution conditions for any benefit are satisfied or otherwise relating to a person's contributions;

(5) who is or was liable for payment of contributions as the employer of any insured person.