

**National Insurance and Social Security**

Cap. 47.

**NATIONAL INSURANCE AND SOCIAL SECURITY  
(BENEFIT) REGULATIONS, 1967**

1967/45. 1986/113.  
1970/9. 1988/43.  
1970/84. 1988/116.  
1971/82. 1989/47.  
1974/2. 1990/64.  
1974/291. 1990/138.  
1976/157. 1991/140.  
1977/192. 1995/70.  
1977/240. 1996/101.  
1978/3. 1997/7.  
1978/133. 1998/127.  
1979/171. 1998/202.  
1982/22. 2002/53.  
1982/88. 2002/149.  
1982/99. 2006/130.  
1984/143.  
1985/123.  
1986/90.

**Authority:** These Regulations were made on 28th March, 1967 under section 50 of the *National Insurance and Social Security Act*.

**Commencement:** 5th June, 1967.

1. These Regulations may be cited as the *National Insurance and Social Security (Benefit) Regulations, 1967*. Short title.

2. For the purposes of these Regulations, the expression "the Act" means the *National Insurance and Social Security Act*; Interpretation. Cap. 47.

"appointed day" means 5th June, 1967;

"benefit" means any benefit provided in accordance with section 21(1) of the Act;

"Collection Regulations" means the *National Insurance and Social Security (Collection of Contributions) Regulations, 1967*; 1988/116.

"confinement" means labour resulting in the issue of a living child or labour after 28 weeks of pregnancy resulting in the issue of a child, whether alive or dead;

"contribution" means insurance contribution;

reg.3

- 2006/130. "contribution quarter" or "quarter" means a period of 3 months ending on March 31st, June 30th, September 30th and December 31st of each year;
- "contribution year" has, with effect from 5th January, 1987, the meaning assigned to it by the Collection Regulations;
- "Director" means the Director, National Insurance;
- "insurable earnings" means insurable earnings as set out in the *Schedule* to the Collection Regulations;
- 2006/130. "insurance contribution" or "contribution" means
- (a) the total of an employer's and an employed person's contributions payable in accordance with the provisions of the Act; or
  - (b) a contribution paid in accordance with the provisions of the Act by a self-employed person or a contribution paid voluntarily;
- 2006/130. "insured person" means a person insured pursuant to section 12 or 13 of the Act.

PART I

*Benefits*

SICKNESS BENEFIT

- Entitlement to grant. **3.** Subject to the provisions of these Regulations, sickness benefit shall be granted to an insured person who is rendered incapable of work as a result of some specific disease or bodily or mental disablement; and for this purpose an insured person shall be treated as incapable of work for any day during which he is required to abstain from work because he is under observation by reason of being a carrier, or his having been in contact with a case, of infectious disease.

**4.** (1) An insured person who is eligible for sickness benefit shall not be entitled to receive such benefit for the first 3 days of any continuous period of incapacity for work, but only as from the 4th day of any such period.

Day from which benefit is to commence; no entitlement after 65. 1970/9.

(1A) For the purpose of computing the first 3 days of any continuous period of incapacity for work mentioned in paragraph (1),

- (a) public holidays shall be included;
- (b) Sundays shall be excluded.

(1B) Notwithstanding paragraph (1), a person referred to in that paragraph is entitled to receive sickness benefit for the first 3 days of any continuous period of incapacity for work where the incapacity has lasted for at least 2 weeks.

1982/22.  
2006/130.

(2) No insured person shall be entitled to a sickness benefit where the person

2002/149.

- (a) has attained pensionable age; or
- (b) is receiving a pension under the Act.

**5.** A claim for sickness benefit shall be made in the prescribed manner, and shall be supported by a certificate of a registered medical or dental practitioner, or by such other evidence as the Director may require for the purpose of establishing the insured person's incapacity for work: but the Director may, for such purpose, require the claimant to attend for, and submit himself to, examination by one or more registered medical or dental practitioners appointed by the Board.

Manner of claiming and support of claim. 2006/130.  
2006/130.

**6.** (1) Sickness benefit in relation to an employed person shall be payable only where the following conditions are satisfied:

Conditions which must be satisfied. 2006/130.

- (a) the insured person was engaged in employment as an employed person pursuant to section 12 of the Act immediately prior to the day on which the incapacity commenced; or
- (b) not less than 39 contributions have been paid or credited in the 4 consecutive quarters ending with the relevant quarter; and

not less than 7 contributions have been paid or credited in the relevant quarter.

1988/116.  
2006/130.

- (2) Notwithstanding paragraph (1), where
- (a) an employed person becomes insurable only during or after the relevant quarter or the insured person has been insured for less than 13 contribution weeks; and
  - (b) the employed person has not less than 7 contributions paid in the calendar quarter preceding that in which the incapacity for work commenced; and
  - (c) the continuous period of incapacity for work commenced before and extends beyond the expiration of the period of 13 contribution weeks commencing with the contribution week in which that person became an insured person,

sickness benefit may, subject to regulation 4(1), be paid as from the expiration of the period of 13 contribution weeks mentioned in sub-paragraph (c).

1988/116.  
2006/130.

(3) Sickness benefit in relation to a self-employed person shall be payable only if the following conditions are satisfied:

- (a) *Revoked by 2006/130;*
- (b) not less than 39 contributions have been paid or credited in the 4 consecutive quarters ending with the relevant quarter; and
- (c) not less than 7 contributions were paid in the relevant quarter.

2006/130.

(3A) Notwithstanding paragraph (3), where a self-employed person who was previously an employed person does not satisfy the required number of either employed or self-employed contributions to qualify for a sickness benefit, all the contributions paid in the relevant quarter shall be considered when determining his eligibility to receive sickness benefit.

(4) Where a self-employed person has been insured for less than 13 contribution weeks but had been insured previously as an employed person pursuant to section 12 of the Act, that portion of the period when the person was so insured which, if taken into account, would satisfy the required number of weeks under paragraph (3)(a) shall be included for the purposes of that paragraph. 2006/130.  
1988/116.

(5) In this regulation and in regulation 8 "relevant quarter" means the previous contribution quarter but one before the contribution quarter in which the first day of the continuous period of incapacity for work commenced. 1988/116.

**7.** Sickness benefit shall be paid for each day (excluding Sundays), as long as incapacity for work continues, subject to a maximum of 26 weeks in any continuous period of incapacity for work: but where the insured person concerned was engaged in employment pursuant to section 12 of the Act during at least 150 contribution weeks and in the last 3 complete contribution years immediately prior to commencement of incapacity has had 75 contributions paid or credited, sickness benefit may be paid for a further 26 weeks in any continuous period of incapacity. Duration.

**8.** (1) The daily rate of sickness benefit shall be  $66\frac{2}{3}$  per cent of the average insurable weekly earnings of the insured person divided by 6. Rate.  
1982/22.

(2) Average insurable weekly earnings for the purposes of this regulation means the sum of the insurable earnings on which contributions were based including any contributions credited in accordance with regulation 57 and regulation 24 of the *National Insurance and Social Security (Employment Injury Benefit) Regulations, 1970*, over the continuous period of the relevant quarter or the period used in accordance with regulation 6(2)(b) and 6(3) divided by the number of weeks in that quarter: but any 2 or more periods of incapacity for work not separated by more than 13 weeks shall be treated as one continuous period of incapacity for work starting on the first day of the first of these periods; and the daily rate 1982/99.  
1988/116.  
1971/7.  
2006/130.

reg.9

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1971/82. of benefit so payable in respect of any later period or periods shall be the daily rate of benefit paid during the first period of incapacity or which would as from 4th January, 1971 have been payable had injury benefit provided in accordance with section 21(3) of the Act not been paid.

Disqualifi-  
cation.  
2006/130. **9.** (1) An insured person entitled to payment of sickness benefit shall be disqualified for receiving benefit for such period as the Director may decide, but not exceeding 6 weeks, if

(a) the claimant has become incapable of work through his own misconduct; or  
(b) the claimant fails, without good cause, to comply with a notice in writing by the Director requiring him to attend for and submit himself to medical or other examination;

2006/130. (c) the claimant fails, without good cause, to observe any of the following rules of behaviour, namely:

(i) to refrain from behaviour calculated to retard his recovery, or to answer any reasonable enquiries by an officer of the Board directed to ascertaining whether he is doing so;

(ii) not to be absent from his place of residence without leaving word where he may be found; or

2006/130. (iii) to do no work for which remuneration is or would ordinarily be payable.

2006/130. (2) An insured person who

(a) is on holiday and is in receipt of holiday pay for that period; and

(b) becomes incapacitated

shall not be eligible to receive sickness benefit during the period for which he is in receipt of holiday pay.

MATERNITY BENEFIT

**10.** Subject to the provisions of these Regulations, maternity benefit shall be granted in the case of the pregnancy and confinement of a woman who is an insured person. Entitlement to grant.

**11.** (1) With effect from 2nd January, 1989 maternity benefit shall be payable only if the following conditions are satisfied: Conditions which must be satisfied.

(a) in relation to an employed person,

(i) the woman had been insured for not less than 26 contribution weeks;

(ii) not less than 16 contributions had been paid in the relevant quarters;

(b) in relation to a self-employed person,

(i) not less than 39 contributions had been paid or credited in respect of that person in the 4 consecutive quarters ending with the last of the relevant quarters;

(ii) not less than 16 contributions had been paid in the relevant quarters.

(1A) Notwithstanding paragraph (1)(a), maternity benefit shall be payable where 1988/116.

(a) an employed person only becomes insurable during or after the relevant quarters and has failed to satisfy the contribution condition for benefits of that regulation;

(b) the employed person has not less than 16 contributions paid in the period of 26 contribution weeks immediately preceding the week in which occurs

(i) the day that is 6 weeks before the expected date of confinement; or

(ii) the last day on which the woman worked prior to the date of confinement,

whichever is later.

1988/116. (1B) For the purposes of this regulation and regulation 13, "relevant quarters" means the 2 contribution quarters but one before the contribution quarter in which occurs

(i) the day that is 6 weeks before the expected day of confinement; or

(ii) the last day on which the woman worked prior to the date of confinement,

whichever is later.

1974/2.  
1991/16. (2) Notwithstanding paragraph (1)(a)(ii), where a self-employed person has been insured for less than 30 contribution weeks commencing on or after 7th January, 1974, but had been insured previously as an employed person pursuant to section 12 of the Act, that portion of the period when the person was so insured which, if taken into account, would satisfy the required number of weeks under paragraph (1)(b)(i) shall be included for the purposes of that paragraph.

Duration.  
1971/82. **12.** Subject to these Regulations, maternity benefit shall be granted to a woman for a period starting from a date not earlier than 6 weeks before the expected date of confinement and continuing until the expiration of

(a) 12 weeks; or

(b) 6 weeks from the date on which confinement occurs,

whichever is later.

Rate.  
1982/22. **13.** (1) The daily rate of maternity benefit shall be 100 per cent of the average insurable weekly earnings of the insured person divided by 6.



(2) Average insurable weekly earnings for the purposes of this regulation shall mean the sum of the insurable earnings on which contributions were based, including any contributions credited in accordance with regulation 57 of these Regulations and regulation 24 of the *National Insurance and Social Security (Employment Injury Benefit) Regulations, 1970*, over the continuous period of the relevant quarters or the period used in accordance with regulation 11(1A) divided by the number of weeks in the quarters. 1988/116. 1971/7.

- 14.** (1) Claims for maternity benefit shall be accompanied, Support of claim.
- (a) in the case of a claim made prior to the date of confinement, by a certificate issued by a registered medical practitioner as to the expected date of confinement;
- (b) in the case of a claim made subsequent to the date of confinement, by a certificate issued by a registered medical practitioner or a registered midwife as to the actual date of confinement.

(2) Notwithstanding paragraph (1), the Director may accept such other evidence in support of claims under that paragraph as in his opinion the special circumstances of the particular case justify, or may require the claimant to attend for and submit herself to examination by one or more registered medical practitioners appointed by the Board. 1970/9.

**15.** An insured person who has been granted maternity benefit shall, as soon as possible after her confinement, obtain a certificate of her confinement from the registered medical practitioner or registered midwife who assisted thereat and forward it to the office of the Board within 3 weeks after the date of confinement: but the Director may accept other evidence in lieu of such certificate if, in his opinion, the special circumstances of any particular case so justify. Certificate of confinement.

**16.** An insured person entitled to payment of maternity benefit shall be disqualified for receiving such benefit for such period as the Director may decide if during the period for which benefit is payable Disqualification.

- (a) she engages in remunerative work;
- (b) she fails without good cause to take due care of her health, or to answer any reasonable enquiries by an officer of the Board directed to ascertain whether she is doing so; or
- (c) she fails without good cause to comply with a notice in writing by the Director requiring her to attend for and submit herself to medical or other examination.

Incapacity for work arising from complications of confinement.  
2006/130.

**17.** The provisions of the regulations relative to sickness benefit shall apply in relation to a case where there is invalidity arising from pathological complications of confinement immediately following the cessation of rights to maternity benefit: but in such a case the conditions of regulation 6 shall be applied in relation to the period immediately preceding the first day as from which maternity benefit was payable.

#### MATERNITY GRANT

Entitlement to grant.  
1985/123.

**17A.** Where the pregnancy and confinement to which regulation 10 refers is in respect of a woman who does not satisfy the conditions for maternity benefit under regulation 11 but whose spouse

2006/130.

- (a) is an insured person pursuant to sections 12 and 13 of the Act for the relevant periods to which regulation 11 refers; and
- (b) has paid the requisite number of contributions that would have enabled the woman to qualify under regulation 11 had they been paid by her,

1989/47.  
2002/53.  
2006/130.

that woman is entitled to such amounts as are prescribed by order pursuant to section 25A of the Act.

Grant to single woman in certain circumstances.  
2006/130.

**17B.** A maternity grant shall be paid where a child is born to a single man and a single woman who have been living together for a period of not less than 2 years immediately preceding the date of confinement.

FUNERAL GRANT

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

Entitlement to grant. 1982/99.

- (i) at the time of death was in receipt of sickness, unemployment or maternity benefit; or
- (ii) whilst not in receipt of sickness, unemployment or maternity benefit at the date of death, would have been entitled to one or the other but for the fact of death; or
- (iii) had been insured for not less than 13 contribution weeks and had been engaged in employment as an employed person pursuant to section 12 of the Act during at least 8 contribution weeks in the period of 13 contribution weeks immediately preceding the contribution week in which death occurred; or
- (iv) at the time of death was receiving or had received or satisfied the contribution conditions for invalidity benefit or old age contributory grant or pension; or
- (v) being a woman, dies as a result of maternity and at the time of her death had been insured for at least 30 contribution weeks and had been engaged in employment as an employed person pursuant to section 12 of the Act during at least 20 contribution weeks in the period of 30 contribution weeks immediately preceding the contribution week in which death occurred.

1970/9.

1970/9.

**18A.** (1) Subject to these Regulations, where the spouse of an insured person dies, a funeral grant is payable in respect of the death of the spouse whether or not the spouse has predeceased the insured person, if it would have been payable under regulation 18 in respect of the death of the insured person.

Entitlement to funeral grant of spouse insured person. 1974/291. 1988/116.

(2) Regulation 44 shall apply *mutatis mutandis* to the grant of a funeral grant in respect of the death of a spouse under paragraph (1) as it applies to the grant of survivors' benefit.

Persons who may receive grant. **19.** (1) Subject to these Regulations, funeral grant shall be paid to the person who has met or is liable to meet the cost of the funeral of the deceased person.

(2) Where

(a) death occurred at sea and the deceased person was buried at sea; or

(b) the person who has met or is liable to meet the cost of the funeral of the deceased person cannot be found; or

(c) the cost of the funeral was less than the amount of the grant, the grant, or as the case may be, the remainder thereof, shall be paid to such person or persons as the Board may decide.

Amount of grant. 2006/130. **20.** The funeral grant shall be such amount as is prescribed by order pursuant to section 25A of the Act.

#### INVALIDITY BENEFIT

Meaning of "invalid". **21.** For the purposes of these Regulations, the term "invalid" means a person incapable of work as a result of a specific disease or bodily or mental disablement which is likely to remain permanent.

#### *Invalidity Pension*

Entitlement to invalidity pension and rate thereof. **22.** (1) Subject to the provisions of these Regulations, an insured person who

(a) is an invalid;

(b) has complied with the contribution conditions set out in paragraph (2); and

2002/149. (c) is under pensionable age

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

(2) Subject to the provisions of these Regulations, an insured person shall be entitled to an invalidity pension if 150 contributions have actually been paid: but as from the 4th January, 1971, in respect of an insured person who for the purposes of this paragraph relies solely on contributions paid as a self-employed person, the yearly average of contributions paid or credited to that person ascertained in accordance with the *Schedule* is not less than 39.

1971/82.

2006/130.

Schedule.

(3) Subject to paragraph (4), the annual rate of pension shall be 40 per cent, of the average annual insurable earnings supplemented by one per cent of total insurable earnings on which contributions were based subsequent to the first 500 contributions paid or credited.

1974/291.

(4) Subject to paragraphs (5) and (6), invalidity pension shall not exceed 60 per cent of the average annual insurable earnings of an insured person.

(5) An amount paid as an invalidity pension shall not be less than such amount as is prescribed by order pursuant to section 25A of the Act.

2006/130.

(6) Notwithstanding paragraph (4), an insured person shall be paid such amount, in addition to the amount referred to in paragraph (4), as is prescribed by order pursuant to section 25A of the Act.

2006/130.

**22A.** *Repealed by 1988/43.*

#### *Invalidity Grant*

**23.** (1) Subject to the provisions of these Regulations, an insured person who does not satisfy the provisions of regulation 22 but who

Entitlement to invalidity grant and amount thereof.

(a) is an invalid;

(b) has not less than 50 contributions paid in respect of or credited to him; and

(c) is under pensionable age

2002/149.

shall be entitled to an invalidity grant.

(2) The invalidity grant shall be a lump sum grant equal to 6 weeks average insurable weekly earnings for each 50 contributions actually paid or credited.

*Miscellaneous Provisions Relating to Invalidity Benefit*

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

**24.** (1) Should invalidity cease, the contributions taken into account for the purposes of invalidity grant shall not be applied towards the satisfaction of the contribution conditions for any subsequent claim to benefit of any description save only a funeral grant.

(2) On cessation of an invalidity pension, nothing in these Regulations shall prevent the contributions on which the said invalidity pension was based from being taken into account for the purposes of establishing title toward the rate of any subsequent invalidity pension or for old age contributory pension.

1988/116.

(3) An invalidity pension payable to an insured person under regulation 22 shall be converted into an old age contributory pension when the insured person attains pensionable age, in the same amount as was payable as invalidity pension under these Regulations.

2002/149.

Average annual insurable earnings. 1970/84. 1988/116.

**25.** (1) Subject to paragraph (2), the average insurable earnings for the purposes of regulation 22 shall be the sum of the insurable earnings on which contributions were based during the best 3 contribution years of the last 15 contribution years of the insured person (or such lesser number as represents the total number of contribution years), divided by 3.

(2) Where an insured person becomes an invalid during the contribution year 1970, 22 contributions shall be credited in respect of him for the contribution year 1967, and the contributions so credited shall be of the earnings group for which the most contributions were paid or credited during the contribution year 1967.

Average insurable weekly earnings.

**26.** Average insurable weekly earnings for the purposes of regulation 23 shall be the sum of the insurable earnings on which contributions were based divided by the number of weeks of contributions.

**27.** All claims to invalidity benefit shall be accompanied by a certificate of permanent incapacity for work setting out the nature of the incapacity and completed by a registered medical practitioner: but the Director may require the claimant to attend for and submit himself to examination by one or more registered medical practitioners appointed by the Board.

Certificate of permanent incapacity for work.

**28.** An insured person entitled to payment of invalidity pension shall be disqualified for receiving such benefit for such period as the Director may decide, if

Disqualification.

- (a) the claimant has become incapable of work through his own misconduct; or
- (b) the claimant fails, without good cause, to comply with a notice in writing by the Director requiring him to attend for and submit himself to medical or other examination; or
- (c) the claimant fails, without good cause, to observe any of the following rules of behaviour, namely:
  - (i) to refrain from behaviour calculated to retard his recovery, or to answer any reasonable enquiries by an officer of the Board directed to ascertaining whether he is doing so;
  - (ii) not to be absent from his place of residence without leaving word where he may be found; or
  - (iii) to do no work for which remuneration is or would ordinarily be payable.

#### OLD AGE CONTRIBUTORY GRANT OR PENSION

##### *Old age contributory grant*

**29.** Subject to the provisions of these Regulations, an insured person who does not satisfy the provisions of regulation 31, but who

Entitlement to old age contributory grant.

- (a) has attained the pensionable age; and

2002/149.

regs.30-31A

(b) has not less than 50 contributions paid in respect of or credited to him

shall be entitled to an old age contributory grant.

Amount of grant.

**30.** The old age contributory grant shall be a lump sum grant equal to 6 weeks average insurable weekly earnings for each 50 contributions actually paid or credited.

*Old age contributory pension*

Entitlement to old age contributory pension.  
2002/149.

**31.** Subject to the provisions of these Regulations, old age contributory pension shall be payable to an insured person who has attained pensionable age or an insured person who has reached voluntary pensionable age who applies for a pension,

(a) in respect of whom not less than 150 contributions have been actually paid; and

(b) in respect of whom or to whom not less than 500 contributions have been paid or credited as the case may be:

1971/82.  
2006/130.

Provided that with effect from the 4th January, 1971, in respect of an insured person who for the purposes of this regulation relies solely on contributions paid as a self-employed person, the yearly average contributions paid or credited to that person ascertained in accordance with the *Schedule* is not less than 39.

Schedule.

Certain retired persons to be insured under the Act on re-employment.  
2006/130.

**31A.** Where a person

(a) who has not attained pensionable age; and

(b) who is in receipt of a pension pursuant to section 21(1A) of the Act;

ceases to be retired,

(i) that person shall notify the Director of that fact and that person is no longer entitled to a pension under section 21(1A) of the Act;



- (ii) contributions under section 12 or 13 of the Act as is appropriate, are payable in respect of that person after his re-employment or self-employment, and such contributions shall be taken into account for the purposes of computing that person's pension on his subsequent retirement or on his attainment of the pensionable age; and 2006/130.
- (iii) where sub-paragraph (ii) applies, the pension payable shall be abated with respect to the total pension paid to that person pursuant to section 21(1A) of the Act in accordance with the following formula: 2006/130.

$$"TP (1 + \frac{0.06}{52} (\frac{P}{2} + C)) \frac{6}{97}$$

Where:

TP = Total pension paid pursuant to section 21(1A) of the Act

P = Number of weeks for which pension under section 21(1A) of the Act was paid

C = Number of weeks from the last payment of pension pursuant to section 21(1A) of the Act to the new retirement date or the date on which pensionable age is attained.

**32.** (1) Subject to paragraphs (1D) and (2), the annual rate of pension shall be, Rate of pension.  
2006/130.

- (a) 40 per cent of the average annual insurable earnings supplemented by one per cent of total insurable earnings on which contributions were based subsequent to the first 500 contributions paid or credited;
- (b) 2 per cent of the average annual insurable earnings in respect of every 50 contributions paid and credited, and a proportionate percentage in respect of less than 50 contributions for the first 1 000 contributions, and thereafter,

- 2006/130. 1.25 per cent of average annual insurable earnings in respect of every 50 contributions paid and credited, and a proportionate percentage in respect of less than 50 contributions after the first 1 000 contributions;
- 2002/149. (1A) Subject to paragraph (1B), where an old age contributory pension is payable to a person who has attained voluntary pensionable age, that person's pension shall at the commencement of the payment of the pension and thereafter be reduced at the rate of 0.5 per cent per month.
- 2002/149. (1B) An old age contributory pension is not payable to a person who has attained voluntary pensionable age where the pension would be less than the minimum old age contributory pension specified under paragraph (3).
- 2002/149. (1C) Where a pension is payable to a person who has deferred his pension under section 21(1D) of the Act, that person's pension shall be increased at the rate of 0.5 per cent per month.
- 2006/130. (1D) The rates set out in paragraph (1) shall have effect as follows:
- (a) paragraph (1)(a) only shall apply for the purpose of computing the pension of persons who on 31st December 2002 had attained the age of 56 years or more;
  - (b) paragraph (1)(a) shall apply for the purpose of computing one-half of the pension of persons who on 31st December 2002 had attained the age of 47 years or more but were under the age of 56 years; and paragraph (1)(b) shall apply for the purpose of computing the remainder;
  - (c) paragraph (1)(b) only shall apply for the purpose of calculating the pension of persons who on 31st December 2002 had not attained the age of 47 years.

(2) Subject to this regulation, old age contributory pension shall not exceed 60 per cent of the average annual insurable earnings of the insured person.

1979/171.  
1982/22.  
1982/88.  
1984/143.  
1986/90.  
1986/113.  
1995/70.  
1997/7.  
1998/127.  
2006/130.

(3) An amount paid as weekly old age contributory pension shall not be less than such amount as is prescribed by order pursuant to section 25A of the Act.

2006/130.

(4) Notwithstanding paragraph (2), an insured person shall be paid such additional amount as is prescribed by order pursuant to section 25A of the Act.

2006/130.

**32A.** Where an insured person was, immediately before the 2nd April, 1981, entitled to an old age contributory pension and the pension exceeds \$30 per week, the pension is increased by 10 per cent of the amount of the pension with effect from the 2nd April, 1981.

Increase in  
old age  
contributory  
pension.  
1982/22.

*Transitional Provisions – Old age contributory pension*

**33.** (1) A person who is over the age of 45 years at the appointed day shall be granted special credited contributions equal to 25 contributions for each year of age in excess of 45 years subject to a maximum special credit of 350 contributions.

Special  
provisions  
for persons  
over 45 at  
appointed  
day.

(2) Special credits granted under paragraph (1)

(a) shall be awarded for old age contributory pension purposes only;

(b) shall, with effect from the 4th January, 1971, be awarded only where

1971/82.

(i) 25 contributions have been actually paid in respect of that person during the 52 weeks commencing with the appointed day; or

- Schedule.
- (ii) that person has a yearly average of 39 contributions paid or credited ascertained in accordance with the *Schedule*;
  - (c) shall not be taken into account in assessing insurable earnings and average annual insurable earnings; and
  - (d) shall only be used to the extent necessary to enable an insured person to qualify for an old age contributory pension of 40 per cent of average annual insurable earnings.

*Miscellaneous Provisions Relating to  
Old Age Pensions and Grants*

Average annual insurable earnings. 1970/84. 1988/116. 2002/149.

**34.** (1) Subject to paragraph (2), the average annual insurable earnings for the purposes of regulation 32 shall be the sum of the insurable earnings on which contributions were based during the best 5 contribution years of the last 15 contribution years of the insured person (or such lesser number as represents the total number of contribution years), divided by 5.

(2) Where an insured person reaches the age of 65 years during the contribution year 1970, 22 contributions shall be credited in respect of him for the contribution year 1967, and the contributions so credited shall be of the earnings group for which the most contributions were paid or credited during the contribution year 1967.

Average insurable weekly earnings.

**35.** Average insurable weekly earnings for the purposes of regulation 30 shall be the sum of the insurable earnings of the insured person on which contributions were based and which can be taken into account having regard to the provisions of these Regulations, divided by the number of weeks of contributions.

### SURVIVORS' BENEFIT

**36.** (1) Subject to the provisions of these Regulations, survivors' benefit shall be payable to the widow or widower, as the case may be, and children, of a deceased insured person if, at the time of the insured person's death, such insured person

Entitlement to survivors' benefit.  
Rate of survivors' pension and amount of survivors' grant.

(a) was in receipt of an invalidity pension or an old age contributory pension; or

(b) would have met the contribution conditions for an invalidity pension or grant; or

2006/130.

(c) was of pensionable age or over and would have been entitled to an old age contributory grant or pension had he made a claim for such benefit.

2002/149.

(2) Where at the date of his death the deceased insured person was in receipt of an invalidity or old age contributory pension or would have met the contribution conditions for an invalidity pension, the benefit payable shall be a pension, in these Regulations referred to as a "survivors' pension".

2006/130.

(3) Where at the date of his death the deceased insured person had satisfied the contribution conditions for a grant, an invalidity grant or an old age contributory grant, the benefit payable shall be a grant in these Regulations referred to as a "survivors' grant".

2006/130.

(4) Survivors' benefit shall not be payable in respect of a marriage contracted after the insured person had been granted an invalidity pension or an old age contributory pension.

(4A) Notwithstanding paragraph (4), where an insured person who has been granted an invalidity pension or an old age pension

2006/130.

(a) marries after the date of the grant of that pension; and

(b) the marriage exists for 3 years before the date of the death of the insured person,

the surviving spouse shall be paid a survivors' benefit for one year from the date of the death of the insured person.

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- (5) (a) The annual rate of survivors' pension shall not exceed the rate of pension which was payable or would have been payable to the deceased insured person at the time of his death.
- (b) The amount of survivors' grant shall not exceed the amount of grant which would have been payable to the deceased person at the time of his death.
- 2006/130. (6) An amount paid as a survivors' pension shall not be less than such amount as is prescribed by order pursuant to section 25A of the Act.
- 2006/130. (7) Notwithstanding paragraph (5), an insured person shall be paid such additional amount as is prescribed by order pursuant to section 25A of the Act.
- Entitlement of surviving spouse to pension. 1985/123. **37.** (1) A spouse of a deceased person who at the date of death of the deceased person
- 2006/130. (a) was 50 years of age or over and had been married to the deceased for not less than 3 years shall be entitled to a survivors' pension for life;
- (b) was married to the spouse for not less than 3 years and was at the date of death an invalid shall be entitled to a survivors' pension for the period during which the invalidity continues;
- 2006/130. (c) was not 50 years of age or over or was not an invalid or, being 50 years or over, had been married to the deceased for less than 3 years shall be entitled to a survivors' pension for a period of one year;
- 2006/130. (d) was not 50 years of age but was 45 years or over and had been married to the deceased for not less than 3 years shall be entitled to a survivors' pension at the rate specified in regulation 40(4).

(2) Where a pension payable to a spouse pursuant to sub-paragraph (b) of paragraph (1) ceases otherwise than because of the re-marriage or the cohabitation of that spouse, if the spouse is then over the age of 50 years, the spouse shall be entitled to a survivors' pension for life.

(3) Survivors' pension payable to a spouse shall cease on the re-marriage or cohabitation with another person as a spouse.

**38.** *Repealed by 1985/123.*

**39.** (1) Survivors' pensions shall be payable in respect of the unmarried children, including legally adopted children and step-children, of a deceased insured person who at the date of the parent's death were living with or wholly or mainly maintained by the deceased at the time of death.

Entitlement of children to survivors' pension and duration thereof.  
1985/123.  
2006/130.

(2) A survivors' pension shall be payable in respect of a child

(a) subject to sub-paragraphs (b) and (c), until the child attains his 16th birthday;

(b) where the child is in full-time education at an approved educational institution within or outside of Barbados, until he attains his 25th birthday; or

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(c) where the child is an invalid, during the period in which the invalidity continues.

(3) "Approved educational institution" means any educational institution approved by the Director for the purposes of this regulation.

(4) For the purpose of determining entitlement to a survivors' benefit under these Regulations, any reference to "child" means a child of an insured person, whether born before or after the insured person's death, who

(a) is under the age of 16 years;

2006/130. (b) is 16 years of age or more but is under the age of 25 years and is in full-time attendance at an approved educational institution; or

(c) is a child other than a child described in paragraph (b) who is 16 years of age or more and is disabled, having been disabled without interruption since the time he reached 16 years of age or from the date of the death of the insured person.

Rates of survivors' pensions.

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

(2) The rate of survivors' pension payable in respect of each child shall be equal to one-sixth of the maximum pension available for payment to survivors, except that in respect of any child who is an orphan or who is an invalid the rate of pension payable may be fixed at one-third of the maximum pension so available: but the aggregate of pensions payable to the spouse and children shall not exceed the maximum pension available for payment to survivors.

(3) Where no spouse is entitled to benefit, the full amount of survivors' pension may be paid in respect of the children of the deceased: but the rate of pension payable in respect of each child shall not exceed the rates set out in paragraph (2).

2006/130. (4) A person who qualifies for a pension under sub-paragraph (d) of regulation 37(1) shall be entitled to a survivor's pension of one third of the maximum pension available for payment to survivors.

Insufficiency of pension available for distribution to children.

**41.** (1) Where the pension available for distribution in respect of the children of the deceased is insufficient to enable payment to be made in respect of all of the children, the Board shall decide which of the children should be granted survivors' pensions.

(2) Where after the award of survivors' pensions there are children of the deceased who would be entitled to a pension but for the fact that the total pension had been fully committed, such children shall be entitled to survivors' pensions at any time when the total



payments to survivors of the deceased amount to less than the maximum pension available: but the conditions set out in regulation 39 shall be satisfied.

**42.** Survivors' grant shall be distributed on the same basis as provided in regulation 40 for survivors' pensions.

Distribution of survivors' grant.

**43.** In these Regulations, 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.

Meaning of "the husband" and "the wife".

**44.** (1) For the purposes of these Regulations, where

Special treatment in case of survivors' benefit of persons living in certain associations.

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

(b) a man is the widower of an insured woman, the Director may treat a single man or widower who was living with a single woman or widow as her husband at the date of her death as if he were in law her widower;

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

(2) Where the question of marriage or remarriage or of the date of marriage or remarriage arises in regard to the title or cessation of the title to survivors' benefit, the Director 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 Director shall have regard to the terms of paragraph (1).

(3) The determination of the Director under paragraph (1) or (2) shall, unless the context otherwise requires, have the effect of extending, as regards title or cessation of title to survivors' benefit payable to a man or woman, the meaning of the word "marriage" to include the association between such a single woman or widow as aforesaid with such a single man or widower as aforesaid and the association between such a single man or widower as aforesaid with such a single woman or widow as aforesaid; and for this purpose the words "wife", "husband", "widow", "widower" and "spouse" shall be construed accordingly.

#### UNEMPLOYMENT BENEFIT

Entitle-  
ment to  
unemploy-  
ment  
benefit.  
1988/116.  
2002/149.

**45.** (1) Subject to the provisions of these Regulations, unemployment benefit shall be granted to a person insured pursuant to section 12 of the Act who is under pensionable age and is

- (a) unemployed and has an interruption of earnings from his employment; or
- (b) laid-off and has suspension of earnings from his employment; or
- (c) kept on short-time and suffers loss of earnings from his employment.

(2) For the purposes of these Regulations, a person shall

2006/130.

- (a) not be treated as unemployed unless
  - (i) he satisfies the Director that he is unemployed, is capable of work and is available for work; or
  - (ii) he is unemployed and is following a course of instruction or training under a scheme approved by the Board, even though he may be receiving a stipend;
- (b) be deemed to be laid-off for any week in which he has suspension of earnings because his employer has not provided him in that week with work of a kind which the employee was employed to do;

(c) be deemed to be kept on short-time for any week in which his earnings from one or more employers are less than half the amount of the average insurable weekly earnings calculated in accordance with paragraph (2) of regulation 50 because his employer has temporarily reduced the normal working days or hours, or he has been dismissed by one of his employers from the occupation which is his major source of income and suffers a loss of more than 50 per cent of his average insurable weekly earnings. 2006/130.

(2A) For the purposes of these Regulations, a person who has more than one employer and who ceases to be employed by one of those employers may also be deemed to be kept on short-time as stated in sub-paragraph (c) of paragraph (2). 2006/130.

(3) It shall be a condition of entitlement to unemployment benefit that the claimant shall report to an employment exchange every 3 weeks or at such intervals as the Director may from time to time determine. 2006/130.

(4) Notwithstanding sub-paragraph (a) of paragraph (2), where an insured person who is in receipt of an unemployment benefit fails to report to the employment exchange as a result of illness which is certified by a medical or dental practitioner verifying that the insured person is incapable of reporting to the exchange, the insured person shall continue to receive unemployment benefit for the period of sickness which has been certified. 2006/130.

(5) Notwithstanding paragraphs (2) and (3) of regulation 55, an insured person who would otherwise be entitled to sickness benefit shall only be awarded unemployment benefit where he becomes ill during a period of unemployment. 2006/130.

**46.** (1) An insured person who is eligible for unemployment benefit shall not be entitled to receive such benefit for the first 3 days of any continuous period of unemployment but only as from the 4th day of any such period. Day from which unemployment benefit to commence.

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*(Benefit) Regulations, 1967*

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1988/116. (2) For the purpose of computing the first 3 days of any continuous period of unemployment mentioned in paragraph (1),

(a) public holidays shall be included;

(b) Sundays shall be excluded.

1988/116. (3) Notwithstanding paragraph (1), a person referred to in that paragraph is entitled to receive unemployment benefit for the first 3 days of any continuous period of unemployment where the unemployment has lasted for at least 2 weeks.  
2006/130.

Claims.  
1991/16. **47.** (1) Where an employer terminates the services of his employee, the employer shall give to the employee on the date of the termination a form approved by the Board for the purpose, duly completed.

(2) An employer who has complied with paragraph (1) shall send a copy of the completed form referred to in paragraph (1) to the Director within one week of the date of termination of the services of an employee referred to in paragraph (1).

(3) Where an employer referred to in paragraph (1) is unable to comply with the provisions of paragraphs (1) and (2) within the times specified therein for reasons beyond his control, he shall so inform the Director on or as soon as possible after the date of the termination of the services of the employee.

(4) A claim for unemployment benefit shall be made on the form approved by the Director, and the claimant must comply with such requirements as to the method and manner of claiming and the information and documents to be provided as the Director may determine.

(5) Subject to paragraph (3), an employer who contravenes or fails to comply with the requirements of this regulation is guilty of an offence and is liable on summary conviction to a fine of \$1 000 or, where the offence consists of continuing the contravention or the failure after conviction thereof, \$1 000 together with a further \$200 for each day on which the offence is continued.

**47A.** Where an employee terminates his own services, the employer shall supply the information requested by the Director on a form approved by the Board for the purpose within 2 weeks of the date of the request. Duty of employer to supply information. 2006/130.

**48.** (1) With effect from 2nd January, 1989, unemployment benefit shall be payable only if Conditions that must be satisfied. 1988/116.

- (a) the person was insured pursuant to section 12 of the Act for at least 52 weeks;
  - (b) not less than 20 contributions have been paid or credited in 3 consecutive quarters ending with the relevant quarter; and
  - (c) not less than 7 contributions have been paid or credited in the relevant quarter.
- (2) Notwithstanding paragraph (1), where
- (a) the insured person has been insured for less than 52 contribution weeks but otherwise complies with the requirements of that paragraph; and
  - (b) the continuous period of unemployment commences before and extends beyond the expiration of the period of 52 contributions weeks commencing with the contribution week in which that person became an insured person,

unemployment benefit may, subject to regulation 46(1), be paid as from the expiration of the period of 52 contribution weeks mentioned in sub-paragraph (b).

(3) In this regulation "relevant quarter" means the previous contribution quarter but one before the contribution quarter in which the first day of the continuous period of unemployment commenced. 1988/116.

(4) For the purposes of this regulation, 1988/116.

- (a) only contributions paid in respect of the employment of a person employed under a contract of service and insured pursuant to section 12 of the Act shall count; and



(b) in the case of an insured person who has been temporarily laid off or kept on short-time, 60 per centum of the difference between the amount of any earnings or other payments payable by the employer and the amount of his average insurable weekly earnings.

(2) The daily rate of unemployment benefit shall be equivalent, in the case of an insured person other than an insured person on short-time, to the weekly rate divided by 6.

(3) Average insurable weekly earnings for the purposes of this regulation shall mean the sum of the insurable earnings on which contributions were based including any contributions credited in accordance with regulation 57 of these Regulations and regulation 24 of the *National Insurance and Social Security (Employment Injury Benefit) Regulations, 1971* over the continuous period of the relevant quarter divided by the number of weeks in the quarter. 1971/7.

(4) Any 2 or more periods of unemployment not separated by more than 13 weeks shall be treated as one continuous period of unemployment beginning with the first day of the first of those periods; and the amount of the average insurable weekly earnings taken into account in determining the amount of benefit for the first day of unemployment in the continuous period of unemployment shall be taken into account in determining the amount of benefit for any day of unemployment in the same period. 2006/130.

(5) In this regulation, an insured person is considered to be on short-time for any week during which there has been a diminution in the work provided by his employer, being work of a kind that he is employed under his contract to do.

**51.** (1) A claimant is disqualified for receiving unemployment benefit if without good cause

Disqualification for unemployment benefit.

(a) he refuses or fails to apply for a situation in suitable employment that is vacant, after becoming aware that such situation is vacant or becoming vacant, or fails to accept such a situation after it has been offered to him;

- (b) he neglects to avail himself of an opportunity for suitable employment; or makes no reasonable effort to obtain suitable alternative employment;
- (c) he fails to carry out any written directions given to him by the Chief Labour Officer with a view to assisting him to find suitable employment, if the directions were reasonable having regard both to his circumstances and to the usual means of obtaining that employment;
- (d) he fails to attend an interview that the Chief Labour Officer has directed him to attend;
- (e) he fails to attend a course of instruction or training to which the Chief Labour Officer referred him for his attendance in order that he become or keep fit for entry into or return to employment; or
- (f) he voluntarily left his employment; or

if he lost his employment by reason of his own misconduct.

(2) For the purposes of this regulation, employment is not suitable employment for a claimant if it is

- (a) employment arising in consequence of a stoppage of work attributable to a labour dispute;
- (b) employment in his usual occupation either at a substantially lower rate of earnings or on conditions significantly less favourable than those observed by agreement between employers and employees, or in the absence of any such agreement, than those recognised by good employers; or
- (c) employment of a kind other than employment in his usual occupation either at a substantially lower rate of earnings or on conditions significantly less favourable than those that he might reasonably expect to obtain having regard to those conditions that he normally obtained in his usual occupation, or would have obtained had he continued to be so employed.



(3) Notwithstanding anything in this Part, a claimant is not disqualified for receiving any benefits under this Part by reason only of his leaving, or refusing to accept, employment if by remaining in or accepting the employment he would lose the right

- (a) to become a member of;
- (b) to continue to be a member and to observe the lawful rules of;  
or
- (c) to refrain from becoming a member of

any association, organisation or union of workers.

**52.** (1) The duration of disqualification to any benefit under these Regulations shall be determined by the Director but shall not exceed a period of 6 weeks for any disqualification.

Duration of disqualification and effect on benefit and contributions. 1988/116.

(2) For the purposes of this Part a benefit shall be deemed to be paid for any weeks of disqualification under paragraph (1), but no credited contributions shall be awarded for any such period of disqualification.

**53.** (1) Subject to paragraph (2), a claimant who has lost employment by reason of a stoppage of work that is attributable to a trade dispute at his place of employment shall be disqualified for receiving unemployment benefit so long as the stoppage continues, unless during the stoppage he

Loss of employment through trade dispute.

- (a) has become *bona fide* employed elsewhere in the occupation which he usually follows; or
  - (b) has become regularly engaged in some other occupation.
- (2) Paragraph (1) is not applicable to a person who proves
- (a) that he is not participating in, financing or directly interested in the trade dispute which caused the stoppage of work; or

(b) that he does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at his place of employment any of whom are participating in, financing or directly interested in the dispute.

(3) For the purposes of this regulation,

"place of employment" means the factory, workshop, farm or other premises or place at which he was employed, so however that, where separate branches of work which are commonly carried on as separate businesses in separate premises or at separate places are in any way carried on in separate departments on the same premises or at the same place, each of those departments shall be deemed to be a separate factory, workshop, farm or other premises or a separate place, as the case may be;

"trade dispute" means any dispute between employers and employees, or between employees and employees which is connected with the employment or non-employment or the terms of employment or the conditions of employment of any persons, whether employees in the employment of the employer with whom the dispute arises or not.

Refund  
to  
Director.

**54.** (1) Where a person receives unemployment benefit in respect of a period and an employer of that person subsequently becomes liable to pay his remuneration in respect of the same period, that person shall refund to the Director an amount equal to the benefits that would not have been paid if the remuneration had been paid or payable at the time the benefits were paid.

(2) Where an employer becomes liable to pay earnings in respect of a past period and has reason to know that benefits have been paid in respect of that period, that employer shall ascertain whether an amount is repayable under paragraph (1) and, if so, shall deduct such amount from the earnings payable by him to the insured person and remit that amount to the Director.

PART II

1982/199.

*Miscellaneous Provisions*

**55.** (1) Notwithstanding that a person is entitled to 2 or more benefits under the Act at the same time, only one benefit shall be payable to such person.

Entitlement  
to more  
than one  
benefit.

(2) The benefit payable by virtue of paragraph (1) shall be the benefit first awarded unless the other benefit is payable at a higher rate, in which case he shall be paid the benefit at such higher rate; but if the last-mentioned benefit ceases to be payable, then nothing shall prevent the award or reinstatement of another benefit to which such person is entitled under the Act: but

- (a) a person who has already received an invalidity grant or grants shall not be disentitled to a further invalidity grant or to an old age contributory grant based on contributions paid or credited and not already taken into account for the said invalidity grant received;
- (b) survivors' grant or grants may be paid to or in respect of those persons otherwise entitled notwithstanding that the relevant deceased insured person had in his lifetime received an invalidity grant or invalidity grants, but the survivors' grant shall be based only on contributions paid or credited and not already taken into account for the said invalidity grant received;
- (c) nothing in this regulation shall preclude the full duplication of sickness benefit, unemployment benefit or maternity benefit with survivors' benefit;
- (d) any other benefit may be duplicated in full with funeral grant.

(3) Where an insured person who has become unemployed has, during such period of unemployment, received sickness, maternity, injury or invalidity benefit at a higher rate than that which would have been payable had he claimed unemployment benefit, he shall be deemed to have received unemployment benefit for the period of unemployment during which he received that other benefit.

Refund of  
benefit  
improperly  
paid.  
1988/116.

**56.** (1) If it is found that any person has received any sum by way of benefit to which he is not entitled, he shall be liable to repay to the Fund the sum so received by him.

(2) Where any person is liable to repay any sum received by him by way of benefit, that sum may be recovered, without prejudice to any other remedy, by means of deductions from any other benefit to which he thereafter becomes entitled.

(3) Any such sum not so recovered shall be treated as expenditure on, and charged to, the Fund.

Credited  
contribu-  
tions for  
weeks of  
sickness,  
maternity,  
unemploy-  
ment.

**57.** (1) For every contribution week for the whole of which an insured person

(a) received, or would but for regulation 4(1) have received, sickness benefit; or

(b) received maternity benefit; or

(c) received, or would but for regulation 46(1) have received, unemployment benefit,

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

(2) A credited contribution shall, subject to the provisions of these Regulations, be valid for sickness, maternity, unemployment benefit and invalidity benefit and for old age contributory grant or pension, and shall be equal to the value of the average weekly earnings on which the rate of sickness, unemployment or maternity benefit was based.

Special  
provisions  
relating to  
persons  
absent  
abroad.  
2006/130.

**58.** Except as hereinafter provided, a person shall be disqualified for receiving any benefit for any period during which that person is absent from Barbados, save that

(a) a person shall not be disqualified for receiving sickness or maternity benefit or grant by reason of being temporarily absent from Barbados, for the specific purpose of being treated

for incapacity which commenced before he left Barbados, during such period as the Board may allow having regard to the particular circumstances of the case;

- (b) a person shall not be disqualified for receiving old age contributory pension or grant or survivors' benefit by reason of being absent from Barbados; 2006/130.
- (c) a person shall not be disqualified for receiving invalidity benefit by reason of being absent from Barbados for such period as the Board may allow having regard to the particular circumstances of the case: so long as entitlement to the invalidity benefit was established before the person left Barbados. 2006/130.
- (d) a person shall not be disqualified for receiving unemployment benefit by reason of his being absent from Barbados while representing Barbados or the region at a regional or international event. 2006/130.

**59.** (1) Where a person who is eligible for a benefit under regulation 58 is abroad, Payment of benefit for which person is eligible under regulation 58. 2006/130.

- (a) unless sub-paragraph (b) or paragraph (2) applies, the benefit shall be paid in Barbados to such representative acting for and on behalf of the person concerned as may be approved by the Director; or
- (b) the benefit may, where in the opinion of the Director it is necessary to alleviate hardship, be paid to that person in the country where he is staying.

(2) Where a person who is eligible for a benefit under sub-paragraph (b) or (c) of regulation 58 is resident abroad, the benefit may be paid to that person in the country where he is residing.

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Special  
provision  
relating to  
persons  
undergoing  
imprison-  
ment or  
detention in  
lawful  
custody.

**60.** (1) Subject to paragraph (2), a person shall be disqualified for receiving any benefit for any period during which that person is undergoing imprisonment or detention in lawful custody.

(2) Where the Board is satisfied that the person undergoing such imprisonment or detention in lawful custody has dependants who, immediately prior to such imprisonment or detention, were wholly or mainly maintained by him, it may authorise payment to or in respect of the dependants of an amount not exceeding one half of the benefit which would otherwise be payable, during such a period as the Board may allow having regard to the particular circumstances of the case.

(3) Nothing in paragraph (2) shall apply to the payment of unemployment benefit.

SCHEDULE

*(Regulations 22, 31 and 33)*

1. The expression "yearly average of contributions" shall be construed as referring to contributions as an insured person only and to that average over the period

- (a) for the purposes of regulation 22(2) and the proviso to regulation 31, beginning with the beginning of the contribution year in which he first became a self-employed person or with the beginning of the next succeeding contribution year if it is to his advantage; or
- (b) for the purposes of sub-paragraph (b) (ii) of paragraph (2) of regulation 33, beginning with the beginning of the contribution year in which he first became an insured person or with the beginning of the next succeeding contribution year if it is to his advantage; and

ending with the end of the contribution year in which the relevant time occurred or with the end of the immediately preceding contribution year if it is to his advantage.

2. For the purposes of this Schedule,

"relevant time" means the date on which the insured person first became an invalid or attained pensionable age, whichever is earlier; 2002/149.

"yearly average of contributions" means the total number of contributions paid or credited to the insured person during the complete contribution years comprising the period as aforesaid divided by the number of such contribution years.

3. For the purpose of calculating the yearly average of the contributions paid or credited to a person who became a self-employed person before 4th January, 1971, he shall be deemed not to have become such a person before that date.