

National Insurance and Social Security

Cap. 47.

NATIONAL INSURANCE AND SOCIAL SECURITY (NON-CONTRIBUTORY OLD AGE PENSIONS) REGULATIONS, 1982	1982/11.	1990/137.	2008/15.
	1982/89.	1991/16.	2008/81.
	1983/8.	1995/34.	2008/130.
	1984/145.	1996/59.	
	1985/41.	1997/7.	
	1986/89.	1998/127.	
	1986/112.	1998/134.	
	1988/44.	2002/53.	
	1989/48.	2006/126.	
	1990/65.	2007/2.	

Authority: These Regulations were made on 18th January, 1982 by the Minister under sections 21A and 50 of the *National Insurance and Social Security Act*.

Commencement: 4th January, 1982.

1. These Regulations may be cited as the *National Insurance and Social Security (Non-Contributory Old Age Pensions) Regulations, 1982*. Short title.

2. In these Regulations, Definitions.

"Director" means the Director, National Insurance;

"pensionable age" means, in relation to calendar year 2006 and subsequent years, the pensionable age specified in the Act. 2006/126.

3. (1) An application for a non-contributory old age pension Application for non-contributory old age pension.
(a) shall be made in writing in the manner determined by the Director; and

(b) shall be given or sent to the Director.

(2) An applicant for a non-contributory old age pension shall answer every question, produce every document and give all information in his power which may be required of him by the Director.

Entitlement to non-contributory old age pension. **4.** A person who satisfies the conditions specified in these Regulations for the receipt of a non-contributory old age pension is entitled to receive such a pension under these Regulations as long as that person

- (a) continues to satisfy those conditions; and
- (b) is not disqualified under these Regulations for the receipt of a non-contributory old age pension.

Entitlement to more than one benefit. **5.** (1) Subject to paragraph (4), notwithstanding that a person entitled to non-contributory old age pension is also entitled to one or more other benefits under the Act at the same time, only one benefit is payable to such a person.

(2) The benefit payable under paragraph (1) is that which entitles the person to payment at the higher rate.

(3) If the benefit payable under paragraph (2) ceases, then the other benefit to which a person is entitled, but for paragraph (1), revives.

2006/126. (4) Nothing in paragraph (1) precludes a person who has attained pensionable age or who is over that age from receiving an injury benefit or
1970/7. disablement benefit under the *Employment Injury (Benefit) Regulations, 1970*, in addition to a non-contributory old age pension.

Eligibility for non-contributory old age pension. 1985/41. 2006/126. **6.** (1) Subject to the Act and these Regulations, the conditions for the receipt of a non-contributory old age pension by any person are

- (a) the person must have attained the pensionable age or, in the case of a blind person or a deaf mute, the age of 18 years; and
- (b) the person shall satisfy the Director that he is
 - (i) a citizen of Barbados; or
 - (ii) a permanent resident of Barbados within the meaning of the Act,

with residence in Barbados for a period of

- (iii) in the case of a citizen of Barbados, 12 years since attaining the age of 40 years or an aggregate of 20 years since attaining the age of 18 years; or
- (iv) in the case of a permanent resident of Barbados, 15 years since attaining the age of 40 years or an aggregate of 20 years since attaining the age of 18 years.

(2) For the purposes of computing residence in Barbados under paragraph (1)(b), any periods of absence spent in service on board a vessel by a person who

- (a) was recruited for service on that vessel in Barbados; and
- (b) was ordinarily resident in Barbados during his service on that vessel,

shall be counted as periods of residence in Barbados.

(3) The condition as to nationality imposed by paragraph (1)(b) is not required to be fulfilled by an applicant who satisfies the Director that he would, but for his marriage to an alien, have fulfilled that condition.

(4) For the purposes of this regulation,

- (a) "blind person" means a person whose eyesight is so defective that he is incapable of performing any work for which eyesight is essential; and
- (b) "deaf mute" means a person whose hearing is so defective that he is incapable of receiving or making verbal communication and of performing work.

6A. (1) Subject to this regulation, where a person who has qualified for the receipt of a non-contributory old age pension is absent from Barbados for any period exceeding 6 months in any one continuous period of 12 months, that person is disqualified for receiving that pension for the period in excess of 6 months.

Absence
abroad.
1991/16.

(2) For the purposes of paragraph (1), periods of absence from Barbados separated by periods of less than 3 months continuous residence in Barbados shall be treated as one continuous period of absence from Barbados.

(3) Notwithstanding paragraphs (1) and (2), a person referred to in those paragraphs is entitled to be paid a non-contributory old age pension for any period that the person resides in Barbados.

(4) Notwithstanding paragraph (1), the Board may approve the payment of non-contributory old age pension for a period in excess of 6 months to a person referred to in that paragraph if in the opinion of the Board the circumstances of the case so justify.

(5) A person who is absent from Barbados for a continuous period exceeding 12 months shall not be eligible to receive a non-contributory old age pension during any further period of residence overseas unless that person has resided in Barbados for a period of at least 3 months after his return to Barbados.

(6) A person who is in receipt of non-contributory old age pension under these Regulations and is desirous of leaving Barbados for a period of 6 or more months shall so inform the Director before leaving Barbados.

Disqualifi-
cations.
1998/134.

7. (1) The following persons are disqualified for receiving or continuing to receive a non-contributory old age pension under regulation 4:

(a) subject to paragraph (2), a person for the time being detained at any prison in pursuance of the order of any court directing him to be imprisoned without the option of a fine or to suffer any greater punishment;

(b) subject to paragraph (3), blind or deaf mutes under the age of 65 whose income exceeds \$30 per week;

1998/134.

(c) persons who are in receipt of pensions in respect of public service in Barbados;

- (d) persons who are in receipt of pensions in respect of public service with another Government or with an international organisation of which the Government of Barbados is a member; 1998/134.
- (e) persons who are in receipt of a pension by virtue of a national insurance and social security scheme operated by another government; 1998/134.
- (f) persons who are in-patients at health service institutions maintained by the Government such as hospitals or homes and who are maintained at such institutions wholly or mainly at public expense; but who are not at such institutions temporarily for the purpose of undergoing medical or surgical treatment. 1983/8.

(2) Where the Board is satisfied that the person detained at any prison has dependants who, immediately before such detention, were wholly or mainly maintained by him, it may authorise payment of the full non-contributory old age pension to or in respect of the dependants for such periods as the Board determines having regard to all the circumstances of the case.

(3) In calculating the income of a person for the purposes of subparagraph (1)(b), the following provisions apply:

- (a) the income of that person from all sources, whether within or outside Barbados, shall be taken into account;
- (b) where that person is one of a couple living together in the same house as man and wife, whether or not they are married, the income of one shall not be taken into account in calculating the income of the other;
- (c) where a husband is separated from his wife, any sum paid by him to her by way of maintenance shall be deducted in calculating his income;
- (d) where it appears that any person has directly or indirectly deprived himself of any income in order to qualify himself for

the receipt of a non-contributory old age pension, that income shall be taken into account for the purposes of sub-paragraph (a).

1998/134. (4) For the purposes of this regulation, "pension" means a periodical payment, or a lump sum payment paid to a person in lieu of a periodical payment.

Disqualifica-
tion by
failure or
refusal to
register.
1995/34.

7A. (1) Where the Board is satisfied that a person

(a) had been gainfully occupied in employment; and

(b) had failed or refused to be insured

(i) under section 12 of the Act; or

(ii) in the case of a self-employed person, under regulations made pursuant to section 13 of the Act,

that person shall be disqualified for receiving a non-contributory old age pension.

Cap. 373. (2) Registration by a person under section 3 of the *Profession, Trade and Business Registration Act* is *prima facie* evidence that the person is or was gainfully employed.

(3) Where a person referred to in paragraph (2) is not registered as an employee, that person shall be deemed to be, for the purposes of this regulation, a self-employed person.

(4) A person who applies for a non-contributory old age pension shall be required to submit to the Director, in a form approved by him, an affidavit for the purpose of establishing that that person either was or was not gainfully occupied in employment.

1998/134. (5) This regulation does not apply to persons

(a) who were qualified to receive; or

(b) who are in receipt of

a non-contributory old age pension prior to the 1st day of January, 1997.

7B. A person who fails to claim a non-contributory old age pension within 12 months of the date of his pensionable age shall be disqualified for receiving the benefit for any period more than 12 months preceding the date on which the claim was made. Disqualifi-
cation for
late claim.
2006/126.

8. The Director shall without delay determine the eligibility of each applicant for a non-contributory old age pension, and in so doing Determina-
tion of
eligibility.

(a) shall satisfy himself by every reasonable means as to the accuracy of the statements contained in the application; and

(b) may obtain other information that he considers necessary in determining the merits of each application.

9. (1) The Director shall notify each applicant for a non-contributory old age pension as to his eligibility for such a pension. Notification
of appli-
cants.

(2) In each case in which an application has been refused, the Director shall notify the applicant of the grounds for the refusal and of his right of appeal to the appeal tribunal in accordance with regulation 8 of the *National Insurance and Social Security (Determination of Claims and Questions) Regulations, 1967.* L.N. 46/
1967.

10. A non-contributory old age pension payable under these Regulations shall be paid weekly in advance, or at such other intervals not exceeding one month as the Board may determine. Method of
payment.
2006/126.

Rate of non-contributory old age pension. 1986/89. 1986/112. 1988/44. 1989/48. 1990/65. 1990/137. 1995/34. 1997/7. 1998/127. 2002/53. 2006/126. 2007/2. 2008/15. 2008/81. 2008/130.

11. (1) Subject to these Regulations, every person who satisfies the conditions for the entitlement to a non-contributory old age pension is entitled to receive \$121.00 per week with effect from 5th January, 2009.

2006/126.

(2) Notwithstanding regulation 7, where a person who qualifies for a non-contributory old age pension is in receipt of a pension which is less than the amount of non-contributory old age pension payable under these Regulations, that person shall be paid an amount equal to the difference between that pension and the non-contributory old age pension payable under these Regulations.

Payment of non-contributory old age pension on intestacy.

12. (1) Where a person in receipt of a non-contributory old age pension dies intestate, the Director may pay any undrawn pension to

- (a) the widow or widower; or
- (b) if there be no widow or widower, then to the next-of-kin of that person; or
- (c) if the next-of-kin is a minor, then to his legally appointed guardian;

and the receipt of the widow, widower or next-of-kin, as the case may be, is a sufficient discharge for the payment of the non-contributory old age pension.

(2) Notwithstanding anything to the contrary contained in this regulation, on the death of a person who is in receipt of a non-contributory old age pension, no payment under paragraph (1) may be made unless

- (a) twenty-one days have elapsed since the death of that person; and
- (b) the deceased became entitled to the non-contributory old age pension within the 3 months immediately preceding his death.

(3) To establish the fact of intestacy, it is sufficient to satisfy the Director that a search was made at the Registration Office and that no will or testamentary document purporting to be the last will and testament of the deceased pensioner was recorded there.