

JAMAICA

No. 22 – 2005

I assent,

[L.S.]

CANON WEEVILLE GORDON, C.D.
Deputy Governor-General.

9th day of June, 2005.

ANACT to Amend the National Insurance Act; to Validate and Confirm the payment of certain increased benefits under the National Insurance Scheme with effect from the 7th day of September, 1998, the 1st day of April, 2001 and the 1st day of July, 2003, respectively, and the imposition of increased contributions to the National Insurance Scheme with effect from the 1st day of October, 2003; and for matters connected therewith or incidental thereto.

WHEREAS section 4 of the National Insurance Act (hereinafter referred to as “the Act”) provides that contributions under the National Insurance Scheme shall be payable by insured persons and employers at the rate set out in the Second Schedule of the Act:

AND WHEREAS under section 9 of the Act benefits are payable to insured persons at the rates set out in the Third Schedule of the Act:

AND WHEREAS Cabinet by Decision Reference Number 35/98 dated the 26th day of October, 1998, approved certain increases in benefits

payable under the National Insurance Scheme with effect from the 7th day of September, 1998:

AND WHEREAS Cabinet by Decision Reference Number 5/01 dated the 5th day of February, 2001, approved further increases in benefits payable under the National Insurance Scheme with effect from the 1st day of April, 2001, and in relation to employment injury benefits with effect from the 1st day of January, 2000, the 1st day of January, 2001, the 1st day of January, 2002, the 1st day of January, 2003 and the 1st day of January, 2004, respectively:

AND WHEREAS Cabinet by Decision Reference Number 23/03 dated June 23, 2003, approved a further increase of benefits payable under the National Insurance Scheme with effect from the 1st day of July, 2003 and an increase in contributions payable under the National Insurance Scheme with effect from the 1st day of October, 2003:

AND WHEREAS legislation was not enacted to effect the respective increases in benefits and contributions:

AND WHEREAS the approved increases in benefits were nevertheless regularly paid out, in good faith, to beneficiaries during certain periods, namely the 7th day of September, 1998 to the 31st day of March, 2001 and in relation to employment injury benefits, the 1st day of January, 2000 to the 31st day of December, 2000, the 1st day of January, 2001 to the 31st day of December, 2001, the 1st day of January, 2002 to the 31st day of December, 2002, the 1st day of January, 2003 to the 31st day of December, 2003 and the 1st day of January, 2004 to the 31st day of December, 2004, respectively in relation to other benefits; the 1st day of April, 2001 to the 30th day of June, 2003; and the 1st day of July, 2003 to the date of commencement of this Act, respectively:

AND WHEREAS the National Insurance Fund, acting in good faith, has been collecting the said contributions since the 1st day of October, 2003, to the commencement of this Act:

AND WHEREAS it is desirable to—

- (a) validate and confirm the payments and collections as aforesaid, made in good faith; and

(b) amend the National Insurance Act to increase the payments and collections respectively specified in the Schedule with effect from—

(i) the dates respectively set out in relation thereto in the Schedule; and

(ii) the date of commencement of this Act:

[10th June, 2005]

NOW, THEREFORE, BE IT ENACTED by The Queen’s Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1. This Act may be cited as the National Insurance (Validation and Amendment) Act, 2005 and shall be read and construed as one with the National Insurance Act (hereinafter referred to as the principal Act) and all amendments thereto.

2. Section 13 of the principal Act is amended by deleting subsections (2) and (3).

3. The principal Act is amended by inserting next after section 23 the following—

“Minister may increase benefits.

23A. The Minister may increase any benefit by order subject to affirmative resolution.”.

4. Section 48 of the principal Act is amended by deleting the words “six hundred dollars” and substituting therefor the words “twelve and one-half times the maximum annual old age pension payable at the date of entitlement”.

5. The provisions of the principal Act specified in the first column of the Schedule to this Act are amended in the manner specified in the second column thereof and shall be deemed to have come into effect from the date specified in relation thereto in the third column of that Schedule.

Validation
of payments
and
collections
and indemnity
from suit.

6.—(1) Notwithstanding anything to the contrary in any enactment, no payment of increased benefits made in good faith, during the periods, namely, the 7th day of September, 1998 to the 31st day of March, 2001; the 1st day of April, 2001 to the 30th day of June, 2003; and the 1st day of July, 2003 to the date of commencement of this Act, respectively, and no sum collected, in good faith, as increased contributions from the 1st day of October, 2003 to the date of commencement of this Act shall be treated as having been unauthorized, or unlawfully made, or otherwise illegal or improper, for the reason only that such payments and contributions were not authorized by any enactment.

(2) Every person acting on behalf of the National Insurance Fund in the making of the payments or in the collection of the contributions and liable to be proceeded against on the ground that any such payments or collections were unauthorized, or unlawfully made or otherwise illegal or improper, for any such reason only, is hereby freed, acquitted, discharged and indemnified, as well against The Queen's Most Gracious Majesty, Her Heirs and Successors as well as against all persons, whatever, from all legal proceedings of any kind in respect of or consequent on such payments or collections.

Transitional.

7. Any regulations which the Minister is empowered to make under the principal Act and which appear to the Minister to be necessary for the purpose of giving effect to the provisions of the National Insurance (Amendment) Act, 2005, may be given retroactive effect to such date.

Provision	SCHEDULE Amendment	(Section 5) Effective Date
Section (5) (2)(a)	Delete the figures "\$250,000" and substitute therefor the figures "\$500,000".	1.10.2003.
Section 10A(1)	1. Delete the figures "\$100.00" and substitute therefor the figures "\$200.00".	7.9.1998
	2. Delete the figures "\$200.00" and substitute therefor the figures "\$300.00".	1.4.2001
	3. Delete the figures "\$300.00" and substitute therefor the figures "\$450.00".	1.7.2003
Section 21	1. Delete the words "one hundred" wherever they appear and substitute therefor in each case the words "one hundred and thirty-five".	7.9.1998
	2. Delete the words "one hundred and thirty-five" wherever they appear and substitute therefor in each case the words "two hundred".	1.4.2001
	3. Delete the words "two hundred" wherever they appear and substitute therefor in each case the words "three hundred".	1.7.2003
Second Schedule	In column 2 headed "WEEKLY RATE OF CONTRIBUTION"— (a) under the sub-heading "Payable by Insured Person"— (i) delete the numerals "\$4,810 per week or	

Provision	Amendment	Effective Date
Second Schedule, <i>contd.</i>	<p>\$250,000 per annum” and substitute therefor the numerals “\$9,615.38 per week or \$500,000 per annum and ½% of the earnings so collected shall be paid from the National Insurance Fund to the National Health Fund”;</p> <p>(ii) delete the word “emoluments” wherever it appears and substitute therefor in each case the word “earnings”;</p>	1.10.2003
	<p>(b) under the sub-heading “Payable by Employer”—</p> <p>(i) delete the numerals “\$4,810 per week or \$250,000 per annum” and substitute therefor the numerals “\$9,615.38 per week or \$500,000 per annum and ½ % of the earnings so collected shall be paid from the National Insurance Fund to the National Health Fund”;</p> <p>(ii) delete the word “emoluments” wherever it appears and substitute therefor in each case the word “earnings”.</p>	1.10.2003

Provision	Amendment	Effective Date
Third Schedule	1. In column 2 headed "Weekly Rate of Pension" under the sub-heading "Basic"—	
	(a) delete the figures "\$300.00" and substitute therefor the figures "\$400.00";	7.9.1998
	(b) delete the figures "\$400.00" wherever they appear and substitute therefor in each case the figures "\$600.00";	1.4.2001
	(c) delete the figures "\$600.00" wherever they appear and substitute therefor in each case the figures "\$900.00";	1.7.2003
	(d) delete the figures "\$500.00" wherever they appear and substitute therefor in each case the figures "\$700.00";	7.9.1998
	(e) delete the figures "\$700.00" and substitute therefor the figures "\$1,050.00";	1.4.2001
	(f) delete the figures "\$1,050.00" and substitute therefor the figures "\$1,575.00".	1.7.2003
	2. In column 2 headed "Weekly Rate of Pension" under the sub-heading "Additional Pension"—	
	(a) delete the figures "\$1,040.00" and substitute therefor the figures "\$1,330.00";	1.1.2001

Provision	Amendment	Effective Date
Third Schedule, <i>contd.</i>	(b) delete the figures “\$1,330.00” and substitute therefor the figures “\$1,530.00”;	1.1.2002
	(c) delete the figures “\$1,530.00” and substitute therefor the figures “\$1,740.00”;	1.1.2003
	(d) delete the figures “\$1,740.00” and substitute therefor the figures “\$1,960.00”.	1.1.2004
3.	In column 3 headed “Amount of Grant” under the sub-heading “Basic”—	
	(a) delete the figures “\$2,700.00” wherever they appear and substitute therefor in each case the figures “\$3,600.00”;	7.9.1998
	(b) delete the figures “\$3,600.00” wherever they appear and substitute therefor in each case the figures “\$5,400.00”;	1.4.2001
	(c) delete the figures “\$5,400.00” wherever they appear and substitute therefor in each case the figures “\$8,100.00”;	1.7.2003
	(d) delete the figures “\$4,500.00” and substitute therefor the figures “\$6,500.00”;	7.9.1998

<u>Provision</u>	<u>Amendment</u>	<u>Effective Date</u>
Third Schedule, <i>contd.</i>	(e) delete the figures “\$6,500.00” and substitute therefor the figures “\$9,750.00”;	1. 4. 2001
	(f) delete the figures “\$9,750.00” and sub- stitute therefor the figures “\$14,625.00”;	1. 7. 2003
	(g) delete the figures “\$9,000.00” and substitute therefor the figures “\$12,000.00”;	7. 9. 1998
	(h) delete the figures “\$12,000.00” and sub- stitute therefor the figures “\$18,000.00”;	1. 4. 2001
	(i) delete the figures “\$18,000.00” and sub- stitute therefor the figures “\$30,000.00”.	1. 7. 2003