

**THE NATIONAL INSURANCE ACT**  
**(Ch. 350)**

**The National Insurance (Benefit and Assistance)**  
**(Amendment) Regulations, 2009**

The Minister, in exercise of the powers conferred by sections 12(2), 16, 23, 24, 59 and 62 of the National Insurance Act, makes the following Regulations -

**Citation**  
**and commence-**  
**ment.**

1. (1) These Regulations which amend the National Insurance (Benefit and Assistance) Regulations, may be cited as the National Insurance (Benefit and Assistance) (Amendment) Regulations, 2009.

**Sub. Leg.,**

**Ch. 350**

**Vol. V,**

**Pg. 7.**

(2) Regulation 47C (2) shall come into operation on a date to be appointed by the Minister by notice in the Gazette.

**Amendment of**  
**reg. 10 of**

2. Regulation 10 of the principal Regulations is amended -

**Sub. Leg.**

**Ch. 350,**

**Vol. V,**

**Pg. 7.**

- (a) in the marginal note, by the deletion of the words "and maternity benefit" appearing after the word "assistance" and the substitution of the words ",maternity benefit and unemployment benefit"; and
- (b) in the regulation, by the deletion of the words "and maternity benefit" appearing after the word "assistance" and the substitution of the words "maternity benefit and unemployment benefit".
- (c) in paragraph (a) by the deletion of the words "and maternity benefit" and the substitution of the words ",maternity benefit and unemployment benefit".

**Amendment of  
reg. 14 of  
Sub. Leg.  
Ch. 350  
Vol. V,  
Pg. 7.**

3. Regulation 14 of the principal Regulations is amended -

(a) in paragraph (1), -

(i) the deletion of the full stop appearing at the end of subparagraph (d) and the substitution of a semi-colon; and

(ii) the insertion of the following new subparagraph immediately after subparagraph (d) -

"(e) in the case of unemployment benefit, the benefit payable from the 20<sup>th</sup> day of April, 2009 or the fifteenth day of the continuous period of unemployment, whichever is the later";

(b) in paragraph (2), by the insertion of the following new item immediately after item (xi) -

"(xii) Unemployment Benefit";

(c) in paragraph (3), -

(i) by the deletion of the word "and" appearing after the word "(b)" and the substitution of a comma;

(ii) by the insertion of the words "and (e)" immediately after the word "(c)".

**Amendment of  
Part IV  
of  
Ch. 350  
Sub. Leg.**

4. Part IV of the National Insurance (Benefit and Assistance) Regulations is amended by the insertion of the following immediately after regulation 47 -

Vol. V,  
Pg. 7.

*"Unemployment Benefit*

Entitlement to unemployment benefit. 47A. (1) Subject to the provisions of these Regulations, unemployment benefit shall be awarded to a person insured pursuant to section 12(1)(a) of the Act who has not attained the age of 65 years 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.

(2) For the purposes of these Regulations, an insured person shall -

(a) not be treated as unemployed unless he satisfies the Director that he is unemployed, capable of and available for work or that he is unemployed and he is following a course of instruction or training under a

scheme approved by  
the Board; or

- (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.

(3) It shall be a condition  
of entitlement to unemployment  
benefit that the claimant shall  
report to the Department of Labour  
Employment Exchange or such other  
place as the Director may specify  
every four weeks or at  
such intervals as the Director  
may from time to time determine.

Claims.

47B. (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)  
electronically or otherwise to the  
Director within one week from 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 as soon as possible after the date of termination of the services of the employee.

(4) 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 not exceeding two hundred dollars and if the offence of which he is convicted is continued after the conviction, he shall be guilty of a further offence and liable in respect thereof to a fine not exceeding fifty dollars for each day on which the offence is continued.

Conditions  
to be satis-  
fied.

47C. (1) With effect from the date of the coming into force of these Regulations, unemployment benefit shall be payable only if the insured-

- (a) had been previously engaged in an occupation as an employed person and had paid contributions for at least forty weeks; and
- (b) had paid or been credited with at least -
  - (i) thirteen contributions and credits in the twenty-six contribution weeks immediately preceding the first day that the continuous period of unemployment commenced;
  - (ii) twenty-six contributions and credits in the fifty-two contribution weeks immediately preceding the

first day that  
the continuous  
period of  
unemployment  
commenced; or

(iii) had paid and  
been credited  
with at least  
twenty-six  
contributions  
and credits in  
the  
contribution  
year  
immediately  
preceding the  
first day of  
the continuous  
period that  
unemployment  
commenced; and

(c) became unemployed  
and had an  
interruption of  
earnings from his  
employment on or  
after July 1, 2004 .

(2) With effect from the date  
to be appointed by the Minister  
in accordance with regulation  
1(2), unemployment benefit  
shall be payable only if the

insured person had been previously engaged in an occupation and -

(a) h a d p a i d contributions for at least fifty-two weeks; and

(b) had paid or been credited with -

(i) t h i r t e e n contributions and credits in the twenty-six contribution w e e k s immediately preceding the first day that the continuous period of unemployment commenced; and

(ii) s e v e n contributions and credits in the thirteen w e e k s immediately preceding the first day that the continuous period of



unemployment  
commenced.

(3) For the purposes of this regulation, only contributions paid in respect of the employment of an employed person shall be considered.

Duration.

47D. (1) Subject to the provisions of these Regulations, unemployment benefit shall be paid for each day excluding Sundays -

(a) for a maximum of thirteen weeks in any continuous period of unemployment beginning on the first day that benefits commenced; or

(b) for an aggregate of thirteen weeks in the fifty-two weeks immediately preceding the date on which benefits commenced;

as long as unemployment continues.

(2) An employed person who has exhausted his entitlement to unemployment benefit shall not be entitled to another such benefit until the expiration of fifty-two

continuous weeks from the last week in respect of which benefit was paid and unless he satisfies the conditions specified in regulation 47C.

(3) The Minister may by Notice published in the Gazette extend the time for which unemployment benefit is paid under these Regulations by a maximum period of thirteen weeks.

(4) Where an employed person receives payment in accordance with Ch. 321A. sections 26 and 29 of the Employment Act, the continuous period of unemployment shall begin after the expiration of the period for which such payments have been made. Rate of 47E. (1) Subject to paragraph 3, benefit. the weekly rate of unemployment benefit shall be 50% of an employed person's average weekly insurable wage or income.

(2) The daily rate of unemployment benefit shall be one-sixth of the weekly rate; Sunday or such other day as may in any case be substituted therefor by the Director, shall not qualify for the payment of unemployment benefit.

(3) For the purposes of this regulation, the "average weekly

insurable wage or income" shall be the sum of the weekly insurable wage or income on which contributions are paid divided by the number of weeks to which the paid contributions correspond.

(4) Any two or more consecutive periods of unemployment not separated by more than eight weeks, shall be treated as one continuous period of unemployment beginning with the first day of the first of these periods; and the amount of the average weekly insurable wage or income 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.

Disqualification for unemployment benefit.

47F. (1) A claimant is disqualified from receiving unemployment benefit if without good cause -

- (a) he refuses suitable employment or fails to apply for suitable employment where there is a known vacancy;

- (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 Director of Labour with a view to assisting him to find suitable employment, if the directions were reasonable having regard to both his circumstances and to the usual means of obtaining that employment;
- (d) he fails to attend an interview that the Director of Labour has directed him to attend;
- (e) he fails to attend a course of instruction or

training to which the Director of Labour referred him for his attendance in order that he may become or keep fit for entry into or return to employment;

(f) he voluntarily left his employment; or

(g) he is terminated from his employment as a result of theft, fraudulent offences or dishonesty.

(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 industry standards; 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 from 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;

(c) to refrain from becoming a member of,

any association, organization or union of workers.

Duration  
of disqua-  
lification  
and effect  
on benefit  
and contri-  
butions.

47G. (1) The duration of disqualification to any benefit under this Part shall be determined by the Director but shall not exceed a period of six weeks for each disqualification.

(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.

Loss of  
employ-  
ment  
through  
trade  
dispute.

47H. (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 as long as the stoppage continues.

(2) Paragraph (1) shall not apply to a person who satisfies the Director that -

(a) he is not participating in, financing or directly interested in the trade dispute which caused the stoppage of work;

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



- (c) he has become *bona fide* employed elsewhere in the occupation which he usually follows; or
- (d) he has become regularly engaged in some other occupation.

(3) For the purposes of this regulation, -

"place of employment" means shop, hotel, restaurant or other premises or place at which he was employed, and 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 department shall be deemed to be a

separate hotel,  
shop, restaurant or  
other business or  
undertaking 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 within the  
employment of the  
employer with whom  
the dispute arises,  
or not.

Refund to  
Director.

47I. (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 believe 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."

**Amendment of  
reg.102 of  
Sub. Leg.  
Ch. 350  
Vol. V,  
Pg. 7**

5. Regulation 102(1) of the principal Regulations is amended -

(a) in subparagraph (b), -

(i) by the deletion of the word "or" appearing after the words "disablement benefit"; and

(ii) by the insertion of the words " or unemployment benefit" immediately after the words "maternity benefit"; and

(b) in subparagraph (c), -

(i) by the deletion of the word "or" appearing after the words "sickness benefit" and the substitution of a comma therefor; and

(ii) by the insertion of the words "or unemployment benefit" immediately after the words "maternity benefit".

(a) in paragraph (1), -

- (i) by the deletion of the word "or" appearing at the end of subparagraph "(e)";
- (ii) by the deletion of the comma appearing at the end of subparagraph "(f)" and the substitution of the word ";or"; and
- (iii) by the insertion of the following new subparagraph immediately after subparagraph "(f)" -  
"(g) unemployment benefit,"; and

(b) in paragraph (2) -

- (i) by the deletion of the word "and" appearing after the words "retirement benefit" and the substitution of a comma therefor; and
- (ii) by the insertion of the words "and unemployment benefit" immediately after the words "invalidity benefit".

Made this      day of                      2009.

Minister responsible for National Insurance