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**NATIONAL INSURANCE (BENEFIT AND ASSISTANCE)
(AMENDMENT) REGULATIONS 2024**

Arrangement of Regulations

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**NATIONAL INSURANCE ACT
(CHAPTER 350)**

**NATIONAL INSURANCE (BENEFIT AND ASSISTANCE)
(AMENDMENT) REGULATIONS 2024**

The Minister, in exercise of the powers conferred by section 62 of the National Insurance Act, makes the following Regulations —

1. Citation and commencement.

- (1) These Regulations, which amend the National Insurance (Benefit and Assistance) Regulations,¹ may be cited as the National Insurance (Benefit and Assistance) (Amendment) Regulations, 2024.
- (2) These Regulations shall come into force on the 1st day of July, 2024.

2. Amends regulation 14 of the principal Regulations.

Regulation 14 of the principal Regulations is amended by deleting paragraph (4) and substituting therefor the following —

- “(4) No sum shall be paid by way of —
- (a) benefit or assistance in respect of any period more than three months;
 - (b) funeral benefit in respect of any period more than six months, before the date in which the claim is duly made, and the Board may waive the limitation in individual cases if the circumstances warrant it.”.

3. Amends regulation 14A of the principal Regulations.

Regulation 14A of the principal Regulations is amended by deleting the word “eight” and substituting the word “five”.

4. Amends regulation 15 of the principal Regulations.

Regulation 15(1) of the principal Regulations is amended by deleting the words “one year” and substituting therefor the words “two years”.

5. Amends regulation 19 of the principal Regulations.

Regulation 19 of the principal Regulations is amended by deleting paragraph (3) and substituting therefor the following —

- “(3) For the purpose of paragraph (1), the average weekly insurable wage or income shall be the sum of the average weekly insurable wage or income of the insured person —

¹S.I. No. 47 of 1976

- (a) during the five best contribution years in which no less than twenty-six contributions were made, divided by five;
- (b) who does not have five years in which at least twenty-six contributions have been paid, the twenty-six contributions will be calculated first, and if additional years are needed, the years with the greatest number of weekly contributions shall be used until five years.”.

6. Amends regulation 23 of the principal Regulations.

Regulation 23 of the principal Regulations is amended by deleting paragraph (2) and substituting therefor the following —

- “(2) For the purpose of paragraph (1), the average weekly insurable wage or income shall —
 - (a) be the sum of the average weekly insurable wage or income of the insured person during the three best contribution years in which no less than twenty-six contributions were made, divided by three; or
 - (b) if three contribution years is not attained, be the sum of the insured person during all years with twenty-six contributions and if additional years are required, years with the greater number of weekly contributions will be used until three contribution years is attained.”.

7. Amends regulation 49 of the principal Regulations.

Regulation 49(1) is amended by deleting the words “, an employed person or” immediately after the words “of these Regulations”.

8. Amends regulation 50 of the principal Regulations.

Regulation 50(1) of the principal Regulations is amended by deleting subparagraph (ii) and substituting therefor the following —

- “(ii) if the employed person or self-employed person, was registered as a self-employed person prior to the date of the relevant accident and is not insured under the Act, the average insurable wage or income for the purpose of calculating the benefit shall be the wages or income payable, or would, but for the relevant accident, have been payable for that week subject to a minimum average weekly insurable wage.”.

9. Amends regulation 56 of the principal Regulations.

Regulation 56 of the principal Regulations is amended by inserting, immediately after paragraph (3), the following as a new paragraph (3A) —

- “(3A) Notwithstanding this regulation, the Board may authorise the Medical Referee to assess the degree of disablement in accordance with the Official Disability Guidelines approved by the American Medical Association or other best medical practices and international standard guidelines.”.

10. Amends regulation 63 of the principal Regulations.

Regulation 63 of the principal Regulations is amended by deleting paragraph (2) and substituting therefor the following —

- “(2) Death benefit under this regulation shall be a grant or grants, the amount or aggregate amount of which shall not exceed ten thousand dollars.”.

11. Amends regulation 68 of the principal Regulations.

Regulation 68 of the principal Regulations is amended —

- (a) by deleting the word “second” immediately after the words “described in the”, and substituting therefor the word “first”;
- (b) by deleting the word “third” immediately after the words “disease in the”, and substituting therefor the word “second”.

12. Amends regulation 69 of the principal Regulations.

Regulation 69 of the principal Regulations is amended by deleting the word “third” immediately after the words “disease in the”, and substituting therefor the word “second”.

13. Amends regulation 74 of the principal Regulations.

Regulation 74 of the principal Regulations is amended by inserting, immediately after paragraph (5), the following —

- “(6) A claimant is not prohibited from bringing a claim against their employer for breach of the duty to provide a safe working environment.”.

14. Amends regulation 87 of the principal Regulations.

Paragraph (2) of regulation 87 of the principal Regulations is amended —

- (a) by inserting therefor the words “and customary” immediately after the word “reasonable”; and
- (b) by inserting therefor the phrase “based on medical necessity and local and international best practices standards and guidelines adopted by the Board from time to time” immediately after the word “expense”.

15. Amends regulation 90 of the principal Regulations.

Regulation 90(1)(c)(ii) of the principal Regulations is amended by deleting the words “twelve months” and substituting therefor the words “five years”.

16. Amends regulation 92 of the principal Regulations.

Regulation 92(1)(c)(ii) of the principal Regulations is amended by deleting the words “twelve months” and substituting the words “five years”.

17. Amends regulation 97 of the principal Regulations.

Regulation 97 of the principal Regulations is amended —

- (a) by referring to regulation 97 as regulation 97(1);

- (b) by inserting, immediately after paragraph (1), the following —
 - “(2) Subject to paragraph (1), a claim for sickness benefit, maternity benefit or injury benefit, shall be accompanied by the Employer’s Certificate Form Med 4.
 - (3) An employer shall provide a copy of Form Med 4 to the claimant or send a copy of the completed form electronically or otherwise to the Director within one week from the date of request.
 - (4) An employer who contravenes this regulation is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred dollars and in the case of a continuing offence to a fine of one hundred dollars for each day during which the offence continues.”.

8. Amends regulation 103 of the principal Regulations.

Regulation 103 of the principal Regulations is amended —

- (a) in paragraph (1), by deleting subparagraphs (d), (f) and (g);
- (b) in paragraph (2) —
 - (i) by inserting, immediately after the words “retirement benefit,” the word “and”,
 - (ii) by deleting the words “and unemployment benefit”.

Dated this day of 29th day of May, 2024.

Signed
MYLES LARODA
Minister responsible for National Insurance