

CHAPTER N88
NIGERIA SOCIAL INSURANCE TRUST FUND ACT

• Laws • Subsidiary Legislation •

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CHAPTER N88

NIGERIAN SOCIAL INSURANCE TRUST FUND ACT

An Act to establish the Nigerian Social Insurance Trust Fund and a Management Board to administer the Fund; and for other matters connected therewith.

[1993 No. 73.]

[1st January, 1992]

[Commencement.]

PART I

Establishment and composition, etc., of the Nigeria Social Insurance Trust Fund and Management Board

1. Establishment of the Nigerian Social Insurance Trust Fund

There is hereby established a fund to be known as the Nigeria Social Insurance Trust Fund (in this Act referred to as “the Fund”) into which shall be paid all contributions and other monies as may be required to be paid or contributed under this Act and which Fund shall be operated and managed as provided in this Act.

2. Establishment of the Nigerian Social Insurance Trust Fund Management Board

(1) There is hereby established for the management of the Fund, a body to be known as the Nigerian Social Insurance Trust Fund Management Board (in this Act referred to as “the Board”) which shall, subject to this Act have general control of the Fund and investments of sums forming part of the Fund.

(2) The Board shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

(3) The Board shall for the purpose of the discharge of its functions under this Act have power—

- (a) to acquire, hold and alienate property, real or personal; and
- (b) to enter into any contract or other transactions.

3. Functions of the Board

(1) The Board shall be responsible for—

- (a) the administration of the Fund and the investment of sums forming part of the Fund;
- (b) the payment of the various benefits provided under this Act to persons entitled to the benefit; and
- (c) the general administration of this Act and regulations made thereunder.

(2) The Board shall have power to carry out such activities as may appear to the Board to be incidental or conducive to the attainment of its objects under this Act.

4. Membership of the Board

(1) The Board shall consist of the following members, that is—

(a) the chairman who shall be appointed by the President, on the recommendation of the Minister for Labour;

(b) two persons each nominated by—

- (i) the Nigerian Employees Consultative Association; and
- (ii) the Nigeria Labour Congress;

(c) one representative each of—

- (i) the Federal Ministry of Employment, Labour and Productivity; and
- (ii) the Central Bank of Nigeria;

(d) the three Executive Directors appointed pursuant to section 7 of this Act; and

(e) the Managing Director.

(2) The supplementary provisions set out in the Schedule to this Act shall have effect with respect to the proceedings of the Board and the other matters contained therein. [Schedule.]

5. Tenure of office

(1) The members of the Board shall hold office for a term of three years and shall be eligible for re-appointment for one further term of three years and no more.

(2) Subject to the provisions of this Act, a member of the Board appointed under section 4 (1) (b) and (e) of this Act, other than an ex-officio member, shall hold office for a term of three years from the date of his appointment and shall be eligible for re-appointment for a further period of three years.

(3) The members of the Board shall be paid such remuneration and allowances as the Minister of Labour may, from time to time, determine.

(4) A member of the Board may resign his appointment by a notice in writing under his hand, addressed to the Minister.

6. Cessation of membership

A member of the Board shall cease to hold office if—

- (a) he becomes of unsound mind; or
- (b) he becomes bankrupt or makes a compromise with his creditors; or
- (c) he is convicted of a felony or of any offence involving dishonesty; or
- (d) he is guilty of serious misconduct in relation to his duties.

PART II

Management of the Fund and staff of the Board

7. Appointment of the Managing Director and Executive Directors

(1) There shall be appointed for the Board, a Managing Director and three Executive Directors who shall be appointed by the President, on the recommendation of the Minister.

(2) The Managing Director shall be the chief executive of the Board and shall, subject to the general control of the Board, be responsible for the day-to-day administration of the affairs of the Board.

(3) The Managing Director and the Executive Director shall each hold office for a term of four years in the first instance and shall be eligible for re-appointment for one further term of three years and no more.

(4) The Minister shall, after consultation with the Nigeria Labour Congress and the Nigeria Employers Consultative Association make recommendations to the President on the appointment of the Managing Director or an Executive Director.

8. Removal from office of the Managing Director and Executive Director

Notwithstanding the provision of section 7 (3) of this Act, the Managing Director or an Executive Director of the Board may be removed from office by the President if any circumstances arise which would require the Managing Director or Executive Director to cease to hold office as a member of the Board under section 6 of this Act.

9. Appointment of secretary and other staff

(1) The Board shall cause to be appointed a person with relevant academic and professional qualification as secretary to the Board.

(2) The secretary shall, subject to the directions of the Board, arrange the business of the meetings of the Board, conduct the correspondence of the Board and perform such other functions as the Board or the Managing Director may, from time to time, direct.

(3) The Board may employ such other staff as may, in the opinion of the Board, be necessary to assist the Managing Director in carrying out the functions of the Board under this Act.

(4) The terms and conditions of service (including terms and conditions as to remuneration, allowances, pensions, gratuities and other benefits) of the persons employed by the Board shall be determined by the Board from time to time.

(5) The control of the employees (including their promotion and discipline) shall vest in the Board but may be delegated by the Board to the Managing Director or any of the Executive Directors subject to such conditions as the Board may specify.

PART III

Coverage and exemptions

10. Coverage

(1) This Act shall apply in respect of every person who—

(a) is employed by a company incorporated (or deemed to be incorporated) under the Companies and Allied Matters Act; or
[Cap. C20.]

(b) is employed by a partnership irrespective of the number of persons employed by the company or partnership; or

(c) in any other case, where the number of persons employed is not less than five.

(2) All employers and employees to which this Act applies, shall be registered with the Board in such manner as may be prescribed by regulations made under this Act.

(3) The existence of a private pension scheme in respect of workers to whom this Act applies, shall not exempt an employer or employees referred to in subsection (1) of this section from the provisions of this Act.

11. Exemptions

The following persons are exempted from the provisions of this Act, that is—

(a) a person employed in the public service of the Federation or a State or local government who is entitled to the benefit of any scheme or pension on terms substantially similar to those prescribed by the Pensions Act; or
[Cap. P4.]

(b) a person who is entitled to diplomatic or equivalent status under the Diplomatic Privileges and Immunities Act; or
[Cap. D9.]

(c) a person not being a citizen of Nigeria who is employed in Nigeria for a period less than six years at a time, if the employee is liable to contribute to or is prospectively entitled to benefits from the social security scheme of any country other than Nigeria or any benefit scheme by virtue of his employment which would provide the employee with benefits substantially not less favourable than the like benefits to which he would have been entitled to under this Act; or

(d) a minister of religion who is engaged in the propagation of his faith.

PART IV

Contributions

12. Categories of contributions

Subject to the provisions of this Act, an employee referred to in section 10 of this Act shall be required to make the following contributions to the Fund established by section 1 of this Act, that is—

(a) contributions of the first category, being contributions payable by or on behalf of the employees against the contingencies of retirement, pension, death, invalidity and emigration; or

(b) contributions of the second category, being contributions payable on behalf of the employee by the employer against the contingency of employment injury.

13. Contribution to be paid monthly: amount thereof

(1) Contributions of the various categories shall be paid on a monthly basis at the rate prescribed by regulations made under section 40 of this Act which shall be computed by reference to the wages of the employee concerned.

(2) The contributions payable in respect of each month shall fall due on the last day of the month concerned.

14. Penalty

(1) If any contribution is not paid within the time prescribed in section 13 of this Act, a sum equal to 5 per centum of the amount unpaid, shall be added for each month or part of the month after the date when payment should have been made and any amount added shall be recoverable as a debt owing to the Board by the employer.

(2) The Board may remit, wholly or partly, the penalty imposed under subsection (1) of this section.

15. Employer not to reduce remuneration on account of contributions

No employer shall, by reason of its liability for any contribution (or penalty thereon) made under this Act or regulations made thereunder, reduce whether directly, or indirectly, the remuneration or allowances of any employee on behalf of whom the contribution is payable under this Act.

PART V

Benefits

16. Categories of benefits

Subject to this Act, the following benefits shall be payable to or in respect of a contributor who has satisfied the applicable conditions prescribed by regulations made under this Act, that is—

- (a) retirement pension benefit; or
- (b) retirement grant; or
- (c) survivors benefit; or
- (d) death grant; or
- (e) invalidity benefit; or
- (f) invalidity grant; or
- (g) such other benefit as may be approved from time to time by the Board.

17. Conversion of benefits into credits against stated purposes

Subject to regulations made in that behalf, a contributor may—

(a) apply to have his contributions converted into credits towards the purchase of real property intended for use by himself or his family for residential purposes; or

(b) apply to have his contributions converted into credits towards the purchase of or acquisition of equity holding in the company which employs the contributor.

(2) The Board shall not approve the conversion of any contribution into credits for the purchase of or acquisition of equity holding in a company pursuant to paragraph (b) of subsection (1) of this section, unless at least two thirds of the employees in the company concerned have collectively elected to exercise the right to purchase or acquire the equity holding in the event of the equity being available for sale.

PART VI

Inspectors and powers of entry, etc.

18. Power of Board to designate its employees as inspectors

The Board may, from time to time, designate as inspectors, such of its employees as it may determine and may assign the inspectors to such areas of Nigeria as the Board may determine.

19. Power of inspectors to enter premises, etc.

(1) Subject to the production of a letter of authority granted in that behalf, an inspector within the area for which he is designated an inspector may—

(a) at any reasonable time enter any premises or place where he has reasonable cause to believe persons are being employed in respect of whom or by whom contributions are payable under this Act to make any inquiry or examination which the inspector considers necessary to satisfy himself that the provisions of this Act are being complied with;

(b) at any reasonable time enter any such premises as are referred to in paragraph (a) of this subsection and on such occasion may—

(i) search the premises or any receptacle therein for books, records, documents, papers or things which may afford evidence as to the violation of the provisions of this Act or regulations made thereunder;

(ii) interrogate either alone or in the presence of witnesses any employer, employee or any other person found in the premises on any matter concerning the application of any of the provisions of this Act;

(c) require the production for examination of any book, register, account, receipt or other document pertaining to contributions or liability to register or to pay contributions under this Act and may copy such documents or make extracts therefrom.

(2) If, during any examination, it appears to the inspector that there has been a violation of the provisions of this Act or the regulations made thereunder, the inspector shall have the power to seize and take away any of the books, records or other documents relating to the employed person or unpaid contributions and may retain them until they are produced in any proceedings.

PART VII

Penalties and legal proceedings

20. Penalties

(1) A person who—

(a) for the purpose of evading payment of any contributions by him or by any other person, knowingly or recklessly makes any statement which is false or which is misleading or deceptive or produces or causes to be produced or furnished, any document which is false in any material particular; or

(b) for the purpose of obtaining any payment or other benefit under this Act for himself or some other person—

(i) knowingly makes a false statement or representation; or

(ii) knowingly produces or furnishes or causes to be produced or furnished any document which is false in any material particular; or

(c) being required to register under this Act or regulations made thereunder fails to do so within the period specified therein; or

(d) obstructs any inspector or officer of the Board in the discharge of his duties under this Act,

commits an offence and shall on conviction be liable to a fine of N10,000 or to imprisonment for one year.

(2) A person who—

(a) fails to pay to the fund within the prescribed period any contribution liable to be paid under this Act; or

(b) deducts from the employee's wages and withholds the deduction or refuses or neglects to remit the deduction to the Board, commits an offence and is liable on conviction—

(i) in the case of a first offence to a fine of N10,000 or 500 per centum of the amount of the contribution involved together with accrued interest thereon, whichever is higher; or

(ii) in the case of a second or subsequent offence to a fine of N10,000 or 500 per centum of the amount of the contribution involved together with accrued interest thereon, whichever is higher.

21. Offences by body of persons

(1) Where an offence under this Act is committed by a body of persons—

(a) in the case of a body corporate, every director or officer of that body shall be deemed to be guilty of the offence;

(b) in the case of a partnership or other association of individuals, every partner or officer of that body shall be deemed to be guilty of the offence and liable accordingly.

(2) No person shall, however, be deemed to be guilty of an offence under subsection (1) of this section, if he proves to the satisfaction of the court that the offence was committed without his consent and connivance and that he exercised all due diligence to prevent the commission of the offence, having regard to all the circumstances.

22. Conduct of proceedings in certain cases

Subject to section 174 of the Constitution of the Federal Republic of Nigeria 1999 (which relates to the power of the Attorney-General of the Federation to institute, continue or discontinue criminal proceedings), any employee of the Board authorised in that behalf by the Board and who is a legal practitioner may before any court of competent jurisdiction conduct or defend any complaint or other proceedings arising under this Act.

[Cap. C23.]

23. Court to order payment of contribution together with interest and penalty

The court before whom any person is convicted of an offence under this Act may, without prejudice to any civil remedy, order that person to pay to the Fund the amount of any contributions together with any interest or penalty on the contribution, certified by the Board to be due from that person to the Fund at the date of the conviction and the amount shall be paid into the Fund for the credit where applicable, of the employees concerned.

24. Proceedings for offences may be commenced at any time

Proceedings in respect of an offence under this Act may be commenced at any time after the commission of the offence.

25. Time for commencement of proceedings for recovery of contributions

(1) Notwithstanding anything contained in any limitation law, contributions under this Act together with any interest or penalty payable or imposed for late payment may be recovered by an action for a debt owing to the Board at any time within twelve months from the date when the contribution or penalty becomes due.

(2) An action for the recovery of contribution or other penalty under this section may be instituted in the name of the Board by an employee of the Board authorised to do so.

PART VIII

Financial provisions

26. Estimates

The Board shall cause to be prepared in respect of each year an estimate of its income and of expenditure for that year.

27. Expenses to be paid out of the Fund

All expenses incurred in the administration of the Fund shall be paid by the Board out of the monies of the Fund.

28. Investment of funds

Money standing to the credit of the Fund and not immediately required to be expended in meeting the obligations of the Board may be invested from time to time in such proportions as the Board may approve, having regard to contingencies.

29. Accounts and audit

(1) The Board shall cause to be kept proper books of account and records in relation thereto and when certified by the Board such accounts shall be audited as provided in subsection (2) of this section.

(2) The Board shall not later than six months after the end of each year cause its accounts to be audited by auditors appointed by the Board from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.

(3) The financial year of the Fund shall end on 31 December in each year.

(4) The Board shall determine the fee payable to auditors for the services rendered pursuant to this section.

30. Annual report

The Board shall cause to be prepared and submitted to the President, not later than 30 July in each year a report on the activities of the Board during the immediately preceding year and shall include in the report the audited accounts of the Board and the Auditor-General's report thereon.

PART IX

Miscellaneous provisions

31. Determination of question as to liability to contribute

Any question arising as to the liability of an employer or any other person to pay contributions under this Act, shall be determined by the Managing Director whose decision shall be subject to the approval of the Board.

32. Documents executed by Board not liable to stamp duty

No stamp duty shall be payable on any receipt, contract, instrument or other document given or executed by or on behalf of the Board.

33. Board exempted from payment of income tax

The Board shall not be liable to pay income tax and no tax by whatever name called shall be payable in respect of any property vested in the Board.

34. Benefits exempted from tax and inalienable

(1) Benefits payable under this Act—

(a) shall be exempted from taxation; and

(b) shall not be liable to attachment for debt under any process of law.

(2) Contributions to the Fund shall be inalienable and shall not be assets for the benefits of creditors in the event of the bankruptcy or insolvency of the contributor.

35. Contributions to be tax deductible

Notwithstanding anything to the contrary contained in any law or enactment, contributions whether by an employee under this Act shall form part of tax deductible expenses in the computation of taxes payable by an employer or as the case may be, by an employee under any relevant law applicable to income tax.

36. Transfer of liability to contribution in the case of mergers, acquisitions, etc.

(1) Where, in respect of a scheme under section 100 of the Investment and Securities Act an order is made by the court under subsection (3) of that section which includes the transfer to the company of the whole or any part of the undertaking and of the property and liabilities of any transferor company, the order shall include provisions for the taking over as from such date as may be specified in the order, of the liability

for any contribution that had become payable to the Fund (together with any accrued interest thereon) in respect of the employees concerned in the undertaking, property or liability transferred.

[Cap. I24.]

(2) Any transferee company to which subsection (1) of this section applies, shall be liable in respect of the contribution concerned to the same extent as the transferor company was immediately before the date of the undertaking, property or liability.

37. Indemnity

No member, officer, servant or agent of the Board shall incur personal liability for any act done in good faith while engaged in the business of the Board.

38. Review of operation of the scheme

(1) The Board shall not later than five years from the commencement of this Act and at least once during the course of every five years thereafter, cause an actuary to review the operations of the Board under this Act.

(2) An actuary, appointed pursuant to subsection (1) of this section, shall prepare a report on the state of the Fund and in regard to any deficiency revealed, he shall state what action he recommends should be taken thereon.

(3) The Board shall submit a copy of the report of the actuary to the Minister together with the Board's observations on any recommendations made by the actuary.

39. Reciprocal agreements

The Minister may enter into a reciprocal agreement with the government of any other country in which a scheme similar to that established, by this Act has been established, and may include in the agreement provisions modifying, adapting or amending the provisions of this Act to give effect to the agreement.

40. Regulations

(1) The Board may, after consultation with the Minister, make regulations giving effect to the provisions of this Act and without prejudice to the generality of the foregoing the regulations may provide for—

- (a) the prescription of anything required to be prescribed under the Act;
- (b) the prescription of rates of contributions payable under the Act;
- (c) specifying the records to be kept by the Board and its employees in respect of contributions to the Fund;
- (d) specifying the amount of contributions payable under the Act;
- (e) specifying the method of collecting contributions under the Act;
- (f) the prescription of the procedure for making claims and making payments under the Act; and
- (g) the prescription of any forms or documents required for the purposes of the Act;
- (h) the prescription of the procedure for assessment of contribution by or on behalf of the Board.

(2) Regulations made under this section shall not come into operation until they are published in the Federal Gazette.

41. Trustee Investments Act not to apply

The provisions of the Trustee Investment Act shall not apply to the investment of money by the Board.

[Cap. T22.]

42. Repeal

Without prejudice to the provisions of section 6 of the Interpretation Act, the National Provident Fund Act and the National Provident Fund (Management Board, etc.) Act

(in this Act referred to as “the Fund” and “the Management Board” respectively) are hereby repealed.

[Cap. I23. Cap. 273 L.F.N. 1990. Cap. 274 L.F.N. 1990.]

43. Savings and transfer of liabilities, staff, etc.

(1) Accordingly, the statutory functions, rights, interests, obligations and liabilities of the Fund or the Management Board, existing before the commencement of this Act under any contract or instrument, or in law or in equity apart from any contract or instrument shall, by virtue of this Act, be deemed to have been assigned to and vested in the Board established by this Act.

(2) Any such contract or instrument as is mentioned in subsection (1) of this section, shall be of the same force and effect against or in favour of the Board established by this Act and shall be enforceable as fully and effectively as if instead of the Board existing before the commencement of this Act, the Board established by this Act has been named therein or had been a party thereto.

(3) The Board established by this Act shall be subject to all the obligations and liabilities to which the Fund or the Management Board existing before the commencement of this Act was subject immediately before the commencement of this Act and all other persons shall have the same rights, powers and remedies against the Board established by this Act as they had against the Fund or the Management Board existing before the commencement of this Act.

(4) Any proceedings or cause of action pending or existing immediately before the commencement of this Act, by or against the Fund or the Management Board existing before the commencement of this Act in respect of any right, interest, obligation or liability of the Fund or the Management Board existing before the commencement of this Act may be continued or as the case may be commenced and any determination of a court of law, tribunal or other authority or person may be enforced by or against the Board established by this Act to the same extent that such proceeding or cause of action or determination might have been continued, commenced or enforced by or against the Fund or the Management Board existing before the commencement of this Act.

(5) All assets, funds, resources and other movable or immovable property which immediately before the commencement of this Act, were vested in the Fund or the Management Board existing before the commencement of this Act, shall by virtue of this Act and without further assurance be vested in the Board established by this Act.

(6) Any person who immediately before the coming into force of this Act is the holder of any office in the Fund or the Management Board existing before the commencement of this Act shall, on the commencement of this Act, continue in office and be deemed to have been appointed to his office by the Board established by this Act unless the authority by which the person was appointed terminates the appointment.

44. Interpretation

In this Act, unless the context otherwise requires—

“benefit” means benefits payable under this Act;

“Board” means the Nigeria Social Insurance Trust Fund Management Board established by section 2 of this Act;

“chairman” means chairman of the Board;

“contribution” means contribution payable under this Act;

“employee” means any person who—

(a) is employed in Nigeria under any contract of service or apprenticeship with an employer whether the contract is express, implied, oral or in writing;

(b) is ordinarily resident in Nigeria and is employed outside Nigeria under such contract of service with an employer in Nigeria by whom he is paid;

“employer” means the person with whom an employee has entered into a contract of service or apprenticeship and who is responsible for the payment of the wages of the employee and includes the lawful representatives, successors or assigns of such person;

“Fund” means the Nigeria Social Insurance Trust Fund established by this Act;

“injury” means a personal injury and includes a contraction of disease;

“Managing Director” means the person appointed as Managing Director under section 7 of this Act;

“member” means a member of the Board and includes the chairman;

“Minister” means the Minister charged with responsibility for matters relating to labour;

“public service of the Federation” and “public service of a State” have the meaning respectively assigned thereto in the Constitution of the Federal Republic of Nigeria 1999;

[Cap. C23.]

“wages” means remuneration in money paid to an employee under this contract of service or apprenticeship as the case may be and whether agreed to be paid at fixed or determined intervals of time—

(a) in respect of normal period of work performed by the employee; or

(b) where payment is calculated in relation to set tasks, in respect of the number of tasks completed by the employee or where payment is calculated in relation to the volume of work completed by the employee in respect of the volume completed by the employee but does not include any allowance paid by the employer whether in respect of cost of living or otherwise whatsoever;

“work” includes piece work.

45. Short title

This Act may be cited as the Nigeria Social Insurance Trust Fund Act.

Schedule

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

[Section 4 (2).]

Proceedings

1. Subject to this Act and section 27 of the Interpretation Act, the Board may make standing orders regulating the proceedings of the Board or any committee thereof.

[Cap. I23.]

2. The Board shall meet at least four times in a year and at such other times as the chairman may, from time to time, determine and in any case, shall not meet more than six times in a year.

3. Every meeting of the Board shall be presided over by the chairman of the Board and if the chairman is unable to attend any particular meeting, a member may be appointed by the members present to act as chairman for that particular meeting.

4. The quorum at any meeting of the Board shall be five members.

5. Where standing orders made under paragraph 1 of this Schedule provide for the Board to co-opt persons who are not members of the Board, such persons may advise the Board on any matter referred to them by the Board, but shall not be entitled to vote at a meeting of the Board or count towards a quorum.

Committees

6. Subject to its standing orders, the Board may appoint such number of standing and ad hoc committees as it thinks fit to consider and report on any matter with which the Board is concerned.

7. Every committee appointed under paragraph 6 of this Schedule shall be presided over by a member of the Board and shall be made up of such number of persons, not necessarily members of the Board, as the Board may determine in each case.

8. The quorum of any committee set up by the Board shall be as may be determined by the Board.

9. Where standing orders made pursuant to paragraph 1 of this Schedule provide for a committee of the Board to consist of or to co-opt persons who are not members of the Board, the committee may advise the Board on any matter referred to it by the Board.

10. A decision of a committee shall be of no effect until it is confirmed by the Board.

Miscellaneous

11. The fixing of the seal of the Fund shall be authenticated by the signature of the Managing Director and of any other person authorised in that behalf by the Board.

12. Any contract or instrument which, if made or executed by any person not being a body corporate would not be required to be under seal, may be made or executed on behalf of the Fund by any person generally or specially authorised to act for that purpose by the Board.

13. Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of Board shall be received in evidence and shall, unless the contrary is proved, be presumed to have been so signed and sealed.

14. The validity of any proceedings of the Board shall not be adversely affected by—

- (a) any vacancy in the membership of the Board; or
- (b) any defect in the appointment of a member of the Board; or
- (c) reason that a person not entitled to do so took part in the proceedings

of the Board.

CHAPTER N88

NIGERIA

SOCIAL INSURANCE TRUST FUND ACT SUBSIDIARY LEGISLATION

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Nigeria

social insurance trust fund (general) regulations

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NATIONAL SOCIAL INSURANCE TRUST FUND (GENERAL) REGULATIONS
[S.I. 2 of 1994.]
under section 40 (1)
[17th March, 1994]
[Commencement.]

PART I

Membership of the scheme and liability to contribute

1. Persons liable to register and contribute

(1) Subject to the provisions of the Act, every employee who, on or after the commencement of these Regulations, is employed by an employer who has a place of business in Nigeria and—

- (a) is working inside Nigeria;
- (b) is a citizen of or ordinarily resident in Nigeria;
- (c) has attained the age of 18 years; and
- (d) has not attained the age of 65 years on the appointed date,

shall register with the Fund and contribute as an employee in accordance with the provisions of these Regulations.

(2) Subject to the provisions of the Act, every employer who has a place of business in Nigeria, on or after the commencement of these Regulations, shall register with the Fund and contribute as an employer in accordance with the provisions of these Regulations.

2. Applications for registration of employers

(1) An employer liable to be registered under regulation 1 of these Regulations shall apply for registration within thirty days either after the commencement of these Regulations or after such other date from which the Act begins to apply to him, by

completing and forwarding to the Managing Director Form 01 set out in the Schedule to these Regulations.

[Schedule. Form 01.]

(2) The Managing Director shall issue a social insurance registration number to every employer from whom he has received Form 01 and shall notify the employer of such number in Form 02 set out in the Schedule to these Regulations.

[Schedule. Form 02.]

(3) An employer who before or on the commencement of these Regulations was registered as an employer or self-employed person under the National Provident Fund Act shall be deemed to be registered under these Regulations.

(4) An establishment which consists of several branches, departments, sections, sub-offices, depots, stores or other units, whether situated in the same place or in different places, shall for the purpose of the Act and these Regulations be deemed to be one and the same establishment and the Act and these Regulations shall apply to all the employees therein accordingly.

3. Applications for registration of employees

(1) An employer shall, immediately after his registration and also on taking on a new employee, direct every employee or the new employee to complete Form 03 set out in the Schedule to these Regulations unless the employee produces evidence that he is already registered under these Regulations.

[Schedule. Form 03.]

(2) An employer shall sign and stamp every Form 03 completed by an employee and forward it to the Managing Director.

(3) Where the employee is unable to complete the form himself, the employee shall supply the employer or his authorised agent respectively, with the necessary particulars for completion of the form.

4. Certificate of membership

(1) The Managing Director shall cause the information received on Form 03 to be reproduced on Form 04 and forward to the employer.

[Schedule. Form 04.]

(2) The original and duplicate certificate of membership to be known as the social insurance identity card, as contained in Form 04 set out in the Schedule to these Regulations shall be signed and thumb-printed by the employee after which the original certificate shall be detached and delivered to the employee and the duplicate shall be returned to the Board.

(3) An employee who before or on the commencement of these Regulations was registered as an employee under the National Provident Fund Act shall be deemed to be registered under these Regulations.

5. Employee to produce certificate of membership and historical records

(1) An employee who is already a member of the Scheme shall produce his certificate of membership to every new employer, or where the certificate is lost, he shall produce such other evidence of his membership and registration number as he may possess.

(2) An employee shall, where there is a change in the historical records of his employment, complete Form 3 (a) set out in the Schedule to these Regulations for transmission to the Managing Director.

[Schedule. Form 3 (a).]

6. Employer to notify Managing Director of cessation, etc., of business

(1) An employer to whom the Act applies shall, within ten days of ceasing, inform the Managing Director of the date of cessation.

(2) An employer who changes his business or location shall, within ten days of the change, furnish the Managing Director with his new address or location.

7. Employer to notify the Managing Director of cessation of employment

An employer shall within ten days of an employee ceasing, for any reason whatsoever, to be employed by him or ceasing to work for him, notify the Managing Director by endorsement of Form 03.

8. Delivery of social insurance identity card on death of an employee

On the death of an employee covered by the Scheme, any person who has possession of the social insurance card of the deceased person shall forthwith deliver it to the Board and shall be given a receipt to that effect.

9. Obligations of an employee

(1) An employee shall provide his employer, on request, with such personal particulars as may be required for the purpose of these Regulations and the employee shall be responsible for the accuracy of the particulars so provided.

(2) An employee shall be responsible for the safety of his social insurance identity card and the employee shall inform the Managing Director if the card is destroyed or lost or defaced in any particular way giving the circumstance.

10. Obligations of an employer

(1) An employer shall, after the appointed date, ensure that every employee in his employment who is liable to register under the Scheme is so registered within 30 days of the date of commencement of the employment.

(2) An employer shall, within 30 days of—

- (a) any change of his address; or
- (b) engaging any employee; or
- (c) the termination of employment or death of an employee; or
- (d) his ceasing to be an employer; or
- (e) his becoming an employer; or
- (f) any other event which the Board may, from time to time, specify,

notify the Board of the happening of the event.

PART II

Collection of contributions, etc.

11. Collection of contributions

(1) Subject to paragraph (2) of this regulation, an employer who is liable to pay contributions under these Regulations shall deduct, from each payment of earning made to an employee, the employee's contribution in respect of the payment, and in respect of every month, pay that contribution together with the employer's contribution to a designated office of the Fund before the 16th day of the succeeding month.

(2) The Board may, subject to such terms and conditions as it may impose, authorise any arrangement whereby contributions are paid at any time or in a manner other than that referred to in paragraph (1) of this regulation.

12. Failure by employer to pay contributions

(1) Where an employer fails to pay contributions in accordance with these Regulations or the Board has reason to believe that the employer has not paid the full amount of contributions due, the Board may require the employer to provide, in respect of any period, such information, including a statement of earnings paid to employees, as the Board may consider necessary to determine the amount of contributions due.

(2) Where it is established that an employer has failed to pay contributions in accordance with these Regulations, the Board shall issue a certificate specifying—

(a) the amount of contributions which the employer is liable to pay to the Fund; and

(b) any amount of contributions which have not been paid to the Fund.

(3) Where an employer fails, in good faith, on making any payment of earning to an employee to deduct therefrom the full amount of contribution which is due from the earning, he may after notifying the employee, recover the amount of contribution from any subsequent payment of earnings to that employee during the year:

Provided that—

(a) the amount that may be deducted from any payment shall be in addition to the contribution deductible therefrom; and

(b) the additional amount which may be deducted by virtue of this paragraph shall not exceed twice the contribution deductible under these Regulations.

13. Voluntary contributions

(1) Notwithstanding anything to the contrary contained in these Regulations, person registered under these Regulations person who is no longer in employment covered by these Regulations may apply to the Board for a certificate to contribute on a voluntary basis and the Board shall issue such certificate if, the person—

(a) is unemployed and under the age of 65; or

(b) being a citizen of Nigeria registered under the Scheme, is working outside Nigeria for an employer who has no place of business in Nigeria; and

(c) has paid contribution for not less than 12 months before the application for voluntary contributions.

(2) Notwithstanding paragraph (1) of this regulation, the Minister may allow other such categories of persons to be voluntary contributors to the Fund.

(3) On receipt and approval of an application for voluntary contribution, the Board shall issue the applicant with a certificate for voluntary contributions for long-term benefits, and the holder of the certificate shall be liable to pay contributions in respect of those benefits in a manner prescribed by the Board.

(4) The rate of contributions which a voluntary contributor shall pay shall be 7.5 per centum of the earnings during the two years immediately preceding the date of cessation of employment with an employer or earnings for which income tax was paid during the year preceding the application for the voluntary contribution or such other period as the Board may, in the particular circumstances of the case, think fit.

(5) The Board shall notify the voluntary contributor of the contributions due and such contributions shall be paid by remittance to the Fund not later than 31 December of the year in which they are due, or at the discretion of the Board, within six weeks of that date.

(6) A voluntary contributor shall cease to be entitled to pay voluntary contributions if he fails to pay his contributions within the period specified in paragraph (5) of this regulation unless he pays an amount equivalent to three years' contributions.

14. Contributions in excess of liability

(1) Where contributions are paid in excess of liability, the Board shall treat excess amount of the contributions as contributions payable to the Fund during the succeeding month or months.

(2) Where contributions are paid in excess of liability and the employer's or employee's liability to pay contributions to the Fund has ceased, the Board shall, in such manner as it may determine within 12 months from the time of payment, return the excess amount to the employer or employee, as the case may be.

(3) Subject to paragraph (5) of this regulation, any contribution paid by an employer or employee in the erroneous belief that the contribution is payable shall be returned

by the Board to that employer or employee, as the case may be, on receipt of an application on the appropriate form.

(4) Where an application is made under paragraph (3) of this regulation for the return of a contribution paid in error to the Fund, there shall be deducted from the amount—

(a) in the case of an employer's and employee's contributions, the amount of any contributions the employer or the employee, as the case may be, owes to the Fund;

(b) in the case of an employee's contributions, the amount, if any, paid to the employee or to any other person by way of a benefit which would not have been paid had the contribution not been paid in the first instance.

(5) A contribution paid in error by an employer on behalf of an employee and not recovered from the employee may be returned to the employer and not to the employee, but if so recovered may be returned to the employee or, with his consent in writing, to the employer on his behalf.

(6) Application for the return of any contribution paid in error shall be made within 12 months from the end of the year in which the contribution was paid, or if the Board is satisfied that the person making the application had good cause for not making the application within that period, then within such longer period as the Board may allow.

15. Treatment of contribution paid late or not paid

(1) Where a contribution payable by an employer in respect of an employee under regulation 29 of these Regulations is paid after the due date or is not paid, and the delay or failure in making the payment is shown to the satisfaction of the Board not to have been with the consent or connivance of, or attributable to any negligence on the part of the employer, the contribution shall be treated as paid on the due date.

(2) Where a contribution is not paid by the due date, there shall be payable to the Fund a monthly surcharge on the contribution plus an interest at the prime bank lending rate for every month or part thereof in respect of which the contribution remains unpaid.

(3) For the first six months in respect of which the contribution remains unpaid, the surcharge shall—

(a) be a sum equal to 5 per centum per month of the amount of the contribution; and

(b) thereafter be equal to 10 per centum per month of the amount of the contribution, in each case calculated to the nearest one naira.

(4) A surcharge plus interest shall become due immediately after the expiration of the first day of the month, or part thereof, to which it relates and may be recovered in the same way as the contribution in relation to which it is imposed.

(5) Subject to paragraph (1) of this regulation, for the purposes of entitlement to any benefit, a contribution paid after the due date shall, in determining whether the relevant contribution conditions relating to entitlement are satisfied, be treated—

(a) if paid before the award of the benefit, as paid on the due date; and

(b) if paid at any other time thereafter, as not paid.

(6) Where a voluntary contributor fails to pay any contribution within the period within which it should be paid and his failure is shown to the satisfaction of the Board to be attributable to ignorance or error on the part of that contributor which was not due to negligence on his part, the contribution may be paid within such further period as the Board may direct.

16. Obligation of the employer

(1) An employer shall be bound by his obligations under the Act and these Regulations in respect of any period falling before his ceasing to be employer and especially his obligations with respect to the payment of contributions.

(2) Notwithstanding anything stated in paragraph (1) of this regulation or in any other statutory instrument to the contrary, a person who assumes responsibility as an employer of an establishment to which the Act applies shall be held responsible for the payment of any contribution or other money due to the Fund and for the submission of any document to the Managing Director in respect of which the previous employer was in default.

17. Payment of contribution to be accompanied by Form 06

(1) Payment of contributions to the Fund shall be accompanied by Form 06 set out in the Schedule to these Regulations duly completed and by such other forms as the Managing Director may authorise.

[Schedule. Form 06.]

(2) An employer may make one consolidated payment for all his establishments, including the branches, sub-offices, depots, stores or other units, provided separate contributions lists are furnished in respect of each branch, sub-office, depot, store or other unit and the amount in respect of each unit is distinctly indicated.

18. Employer to furnish list of contributors

(1) At the end of the contribution period or such other period as may be authorised by the Managing Director, an employer to whom the Act applies, shall furnish to the Managing Director a list of contributors.

(2) The list of contributors shall include the following information—

- (a) the names and registration number of each employee;
- (b) the employee's pay;
- (c) the contribution deducted from his pay;
- (d) the employer's contribution in respect of each employee; and
- (e) the total of all contributions due to the Fund during the period.

19. Official receipt for payment

No receipt, other than the officially numbered receipt verified as required in Form 06 set out in the Schedule to these Regulations, date stamped and endorsed, shall be deemed to be a sufficient discharge for payment in respect of contributions and other moneys paid to the Fund.

20. Earlier payment of contributions in certain cases

The Managing Director may require an employer to pay the contributions in respect of an employee earlier than the date prescribed by regulation 11 of these Regulations and in a manner other than that prescribed by regulation 29 of these Regulations in order that the Fund may make an expeditious payment of a benefits due.

21. Refund of contributions and other payments not due

(1) Where the Managing Director is satisfied that an amount has been paid to the Fund which was not due, he may, subject to the provisions of this regulation, refund the amount to the person entitled to it, provided that no refund shall be made where the member of the Scheme or his dependant has already been paid the amount as benefit.

(2) The Managing Director may withhold the whole or any part of the excess payment and offset it against any amount due to the Fund from the person to whom the excess would otherwise have been paid.

(3) The Managing Director may require the person who made the excess payment to make a written application for refund and to furnish such information as the

Managing Director may require to determine the amount of the excess payment and the circumstances in which it occurred.

22. Record of pay

An employer to whom the Act applies shall keep records of pay showing in respect of every employee, his name, social insurance identity card number, earnings, as defined in the Act, and the deduction for contribution to the Fund.

23. Preserving of records

The employer shall preserve the record referred to in regulation 22 of these Regulations for 12 years after the end of the period to which the earnings relate.

24. Employers records of contribution

The Fund shall maintain for each employer a record showing contributions paid by him and those due from him.

25. Employees record of contributions

The Fund shall maintain in respect of each employee a record of contributions paid by and on behalf of the employee.

26. Insurable earnings

(1) For the purposes of the Fund, insurable monthly earnings of an employee shall, subject to the provisions of this regulation, be computed in such a manner as is best calculated to give the rate per month at which the employee was being remunerated by his employer.

(2) Nothing in this regulation shall be continued as to prevent the computation of earnings on a weekly basis and where earnings are so computed the monthly earnings shall be calculated as provided under paragraph (1) of this regulation.

(3) Notwithstanding the provisions of this regulation, for the purpose of determining the insurable monthly earnings of an employee, there shall be included gratuities and annual bonus, and—

(a) excluded any payment which is a payment by way of a pension or by way of; or

(b) derived from shares appropriated under a profit sharing scheme.

(4) For the purpose of determining the insurable earnings of an employee, a payment-in-kind or by way of the provision of board or lodging shall be considered for a value specified in the naira by the Fund and shall be revalued periodically.

(5) For the purpose of any computation or calculation of insurable earnings under this regulation, an employee's annual earnings shall not be calculated at a level exceeding N528,000 and this level shall be reviewed from time to time and may be revised by order of the Minister on the advice of the Board or following an actuarial report and after consultation with the Minister of Finance and any changes to the level shall be announced by way of Notice in the Gazette.

[S.I. 41 of 2000.]

27. Rate of contribution

(1) For every tax year in which a person is employed, the employer and employee shall contribute monthly to the Fund the amount equal to 10 per centum of the employee's insurable monthly earnings in the following proportion—

(a) 3.5 per centum by employees; and

(b) 6.5 per centum by employers;

(2) Each contribution shall be to the nearest 10 kobo and any amount of less than 5 kobo shall be disregarded.

[S.I. 42 of 2000.]

(3) The rates of contribution shall be reviewed from time to time and may be revised by order of the Minister on the advice of the Board or following an actuarial report

and after consultation with the Minister of Finance and any changes to the rates shall be announced by way of Notice in the Gazette.

28. Practices calculated to avoid or reduce liability

Notwithstanding regulation 26 of these Regulations, the Board may, where the Board believes that there is in existence any practice, in respect of the payment of earnings, calculated to avoid or reduce liability for contributions by means of irregular or unequal payments or abnormal pay practice, give directions for ensuring that such contributions are payable as if that practice was not followed.

29. Method of paying contributions

(1) Where earnings are paid to an employee, the employer liable to pay a contribution in respect of the employee shall be liable to pay also on behalf of and to the exclusion of the employee any contribution payable by the employee for the same month and, for the purpose of these Regulations, contributions paid by an employer on behalf of the employee shall be deemed to be contributions paid by the employee.

(2) Notwithstanding any contract to the contrary, an employer shall not deduct from the earnings of an employee or otherwise recover from the employee the contribution of the employer in respect of the employee.

(3) An employer shall deduct from the employee's earnings the amount of any contribution payable on behalf of the employee.

(4) Contributions shall be paid, in crossed cheque payable to the Nigeria Social Insurance Trust Fund, into a designated bank account of the Fund or personally in the Fund's office, or in such other manner as may be prescribed by the Board.

(5) The record of payment of contribution for an employee shall, subject to the provisions of regulation 12 (2) of these Regulations, be kept and a receipt issued to the employer in the manner prescribed by the Board.

PART III

Procedure for making claims and paying benefits

30. Description of benefits

Benefits payable by the Fund shall consist of—

- (a) invalidity pension;
- (b) invalidity grant;
- (c) retirement pension;
- (d) retirement grant;
- (e) survivor's pension;
- (f) survivor's grant;
- (g) funeral grant.

31. Invalidity pension

(1) An employee shall be treated as permanently incapable of working and therefore entitled to invalidity pension, by reason of some specific disease or bodily mental disablement in any occupation which could reasonably be assigned to a person in view of his strength and ability as much as one third of what a fit person of similar training and previous occupation.

(2) Incapacity shall, for the purpose of this regulation, be a period in respect of which a person has been certified to the satisfaction of the Board and any medical practitioner as incapable of work.

(3) Invalidity pension will be payable monthly for life or until the invalidity ceases.

(4) An employee shall be entitled to an invalidity pension if he has at least 36 months paid monthly contributions, including 12 months within the preceding 36 months.

32. Rate of invalidity pension

(1) An employee who satisfies the conditions set out in regulation 31 of these Regulations shall be awarded invalidity pension as follows—

(a) for the minimum qualifying condition, the basic pension shall be 30 per centum of the final average insurable earnings determined as for retirement pension;

(b) for every additional 12 months of contribution paid in excess of the qualifying period for retirement pension up to the date of invalidity, the pension shall be increased by 1.5 per centum and, for every period of 12 months between the date of invalidity or the period for retirement pension and the date he would attain retirement age, by 1 per centum.

So however that the minimum pension shall not be less than 40 per centum of that final average insurable earnings or 80 per centum of the national minimum wage.

(2) The monthly amount of invalidity pension payable under this regulation shall—

(a) not be less than 80 per centum of the national minimum wages;

(b) not, in the case of the amount of the benefit exceeding the rate referred to in sub-paragraph (a) of this paragraph, exceed a rate of 65 per centum of the final average insurable earnings of the employee;

(c) be limited to 65 per centum of the final average earnings of the employee, subject to an overriding minimum of ten times the national minimum wage.

(3) The Board may review entitlement to invalidity pension where there is a change in the capacity for work of the beneficiary.

(4) Subject to the provisions of regulation 31 of these Regulations continue to an invalidity pension shall be payable from the date of invalidity and shall be paid during the period of the invalidity.

(5) For the purposes of this regulation, the final “average insurable earnings” shall be derived by determining the average monthly insurable earnings of an employee paid during the last 36 months immediately preceding the month in which the period of incapacity commenced.

33. Invalidity grant

(1) Subject to the provisions of this regulation, an employee who qualifies for invalidity pension, an equivalent to two years pension, in respect of whom the contributions have been paid for not less than 12 months of insurable employment, shall be entitled to a lump sum payment as invalidity grant.

(2) The invalidity grant shall be an amount equal to the final monthly contributions immediately prior to the invalidity multiplied by the number of months of paid contributions, subject to modification if the pension scheme contribution rate is later increased taking into account the period of time during which the lower contribution was paid.

34. Disqualification for invalidity benefit

An employee who is entitled to invalidity benefit shall be disqualified from receiving the benefit for such period as the Board may determine if he—

(a) has been incapable of work through his own wilful misconduct in order to receive benefit; or

(b) fails, without good cause, to comply with a notice in writing by the Board requiring him to submit himself to a medical examination; or

(c) does any work for remuneration which is equal to or exceeds the national minimum wage; or

(d) fails, without good cause, to answer any reasonable inquiry by the Board directed at ascertaining any matter for the purpose of this regulation.

35. Retirement pension

- (1) Subject to the provisions of this regulation, an employee—
- (a) who has attained the age of 60 years or more;
 - (b) who has retired from employment or shows to the satisfaction of the Board that he is no longer employed in any work for which remuneration is equal to or exceeds the national minimum wage; and
 - (c) in respect of whom contributions have been paid or credited for not less than 120 months of insurable employment,
- shall be entitled to a periodical payment as retirement pension.
- (2) Retirement pension shall be payable from the date of retirement until the death of the beneficiary.

36. Rate of retirement pension

- (1) The rate of retirement pension shall, for an employee for whom contributions have been paid for not less than 60 months, be 30 per centum of this final average monthly insurable earnings supplemented with 1.5 per centum of those earnings for each 12 months of contributions paid or credited in respect of him in excess of the first 120 months.
- (2) For the purposes of this regulation, “final average monthly insurable earnings” means the average of monthly insurable earnings of an employee during the best three years of contributions paid in the five years immediately preceding the month of the date of retirement and “the best three years of contributions” has the same meaning assigned to it in regulation 32 (1) of these Regulations.
- (3) The monthly amount of retirement pension payable under this regulation shall not—

- (a) be less than 80 per centum of the national minimum wage;
- (b) in the case of the amount of the benefit exceeding the rate referred to in sub-paragraph (a) of this paragraph, exceed a rate of 65 per centum of the final average monthly insurable earnings of the employee.

37. Qualifying period

- (1) An insured person shall only be entitled to a basic pension if he has a period of insurable employment amounting to at least 75 per centum of the months between his age at the start of the Scheme and the retirement age, subject to a minimum of 36 months.
- (2) Insurable employment credited by converting the Nigeria Social Insurance Trust Fund balance shall be counted towards the qualifying period.

38. Retirement grant

Subject to the provisions of this regulations, an employee—

- (a) who has attained the age of 60 years or more;
 - (b) who has retired from employment or shown to the satisfaction of the Board that he is no longer employed in any work for which remuneration is equal to or exceeds the national minimum wage; and
 - (c) in respect of whom contributions have been paid or credited for less than 120 months but not less than 12 months of insurable employment,
- shall be entitled to a lump sum payment as retirement grant equivalent to the final monthly total contribution at retirement age multiplied by the number of months of paid contributions subject to a modification if the pension scheme contribution rate is later increased taking into account the period of time during which the lower contribution was paid.

39. Disqualification for retirement benefit

An employee who is entitled to retirement benefit shall be disqualified from receiving the benefit for such period as the Board may determine if he—

(a) does any work for remuneration which is equal to or exceeds the national minimum wage; or

(b) fails, without good cause, to answer any reasonable inquiry required by the Board directed at ascertaining any matter for the purpose of this regulation.

40. Funeral grant

(1) A flat rate lump sum payment of N2,000 as funeral grant shall be payable in respect of a deceased employee—

(a) who, at the time of his death, was in receipt of invalidity pension or retirement pensions; or

(b) in respect of whom contributions have been paid or credited for not less than 60 months of insurable employment.

(2) A funeral grant payment under paragraph (1) of this regulation shall be paid to the person who, in the opinion of the Board, has met or is liable to meet the costs of the funeral of the deceased employee and if there is more than one such person, the funeral grant shall be shared between such persons in such portions as the Board in its discretion may determine.

41. Survivor's pension

(1) Where a deceased employee at the time of his death was in receipt of invalidity pension or retirement pension or would have satisfied the conditions in regulation 31 of these Regulations a periodic payment as survivors' pension shall be payable to the dependants of the deceased employee.

(2) A survivor's pension shall be payable from the date of death and—

(a) in the case of a widow or widower, until the death of the beneficiary or until the beneficiary re-marries or commences living together with a person as husband or wife, as the case may be;

(b) in the case of a child—

(i) until the age of 18 years; or

(ii) if the child is incapable of working, for as long as the child remains so incapable; or

(iii) if the child is or will be receiving full time education or training, without remuneration or fellowship exceeding his share of the survivor's pension, beyond attaining the age of 18 years until such education or training ceases or he attains the age of 25 years, whichever is earlier;

(c) in the case of any other dependant, while he remains a dependant of the survivor's pension for the necessities of life.

(3) For the purposes of this regulation, "dependant" means—

(a) the widow or widower who, at the time of death, was married to the deceased employee;

(b) any child if born before, or within ten months after, the time of death of the employee and who—

(i) was under the age of 18 years at the time of death of the employee; or

(ii) becomes permanently incapable of working after the time of death but before attaining the age of 18 years; or

(iii) is at the time of death, or thereafter, under the age of 25 years and receiving full time education or training without remuneration or any fellowship exceeding his share of the survivor's pension;

(c) any parent or step-parent or an adoptive parent if the Board is satisfied that the deceased employee was adopted prior to the death;

(d) any son or daughter (other than a child as defined in this regulation), brother, sister, half-brother, half-sister, brother or sister of a parent, grandparent or grandchild of the deceased employee; and

(e) any person who at the time of the death of the employee was, in the opinion of the Board, wholly dependant upon the employee for the necessities of life, but no person shall be deemed to be a dependant under sub-paragraph (c) or (d) of this paragraph unless he was wholly or partly dependent for support and maintenance on the employee at the time of death.

42. Rate of survivor's pension

(1) A survivor's pension payable to all beneficiaries shall not exceed the pension which was payable or would have been payable to the deceased employee.

(2) The rate of a survivor's pension shall be—

(a) for a widow or widower, 100 per centum of the deceased employee's pension and in the case of an employee leaving more than one widow or widower, as the case may be, the widows or widowers shall share between themselves such amount as would be payable to a single widow or widower, equally or in such portions as the Board, in its discretion, may determine;

(b) for a child, 100 per centum of the deceased employee's pension and in the case of an employee leaving more than one child, the children shall share between themselves such amount as would be payable to a single child, equally or in such portions as the Board, in its discretion, may determine;

(c) for a legal parent of the deceased employee referred to in regulation 41 (2) (c) of these Regulations, 100 per centum of the deceased employee's pension and in the case of an employee leaving more than one such parent, the parents shall share between themselves such amount as would be payable to a single parent, equally or in such portions as the Board, in its discretion, may determine; and

(d) for a dependant of the deceased employee referred to in regulation 41 (2) (d) and (e) of these Regulations, 100 per centum of the deceased employee's pension and in the case of an employee leaving more than one such dependant, the dependants shall share between themselves such amount as would be payable to a single dependant, equally or in such portions as the Board, in its discretion, may determine.

(3) In the case of an employee leaving orphans of two parent, 100 per centum of the rate referred to in paragraph (2) (a) of this regulation, which would have been payable to the other parent of the orphans had the parent been alive at the time of the death of the employee, shall be paid to the orphans and shared between them equally or in such portions as the Board, in its discretion, may determine.

43. Survivor's grant

(1) Where a dependant is not entitled to survivor's pension but at the time of his death the deceased employee would have satisfied the conditions specified in regulation 33 of these Regulations, a lump sum payment as survivor's grant shall be payable to the dependants of the deceased employee.

(2) For the purpose of this section, "dependant" has the same meaning as in regulation 41 (5) of these Regulations.

(3) The total amount of survivor's grant payable to all beneficiaries of a deceased employee shall not exceed the grant which was or would have been payable to the deceased employee.

(4) The amount of the survivor's grant shall be the same percentage of the deceased employee's invalidity or retirement grant which was or would have been payable to

the deceased employee, as the case may be, and shall be shared in the same way as in paragraphs (2) and (3) of regulation 42 of these regulations.

44. Disqualification for survivor's benefit

(1) Where a dependant entitled to survivor's benefit has been proved by the court to have caused the death of the deceased employee on purpose, that dependant shall be disqualified from receiving the benefit.

(2) A dependant entitled to survivor's benefit shall be disqualified from receiving the benefit for such period as the Board may determine if such dependant—

(a) has been incapable of work after the death of the employee through his own misconduct on purpose to receive benefit where the entitlement to benefit is due to his incapacity for work; or

(b) fails, without good cause, to comply with a notice in writing by the Board requiring him to submit himself to a medical examination where the entitlement to benefit is due to his incapacity for work; or

(c) fails, without good cause, to answer any reasonable inquiry by the Board directed as ascertaining any matter for the purposes of this regulation.

45. Lump sum payments to emigrants

A person who is entitled to a pension before emigration shall have his pension rights commuted to a lump sum on emigration and a person who is not entitled to pension on emigration and leave permanently shall be paid a lump sum calculated according to the rules for retirement grant to persons who do not qualify for retirement pension.

PART IV

Procedure for obtaining benefits

46. Claims

(1) A claim for the payment of a benefit under these Regulations shall be in Form 07 or Form 08, as the case may be, set out in the Schedule to these Regulations which shall be supplied free of charge by any office of the Fund.

[Schedule. Form 07.]

(2) A claim for benefit shall be made—

(a) in the case of an invalidity pension, within a year of the date of invalidity; and

(b) in the case of a retirement pension, not earlier than six months before the date of retirement and not more than a year after that date; and

(c) in the case of a survivor's pension, within a year of the date of the death of the deceased employee.

(3) Subject to paragraph (4) of this regulation, a person who fails to submit a claim within the period prescribed in paragraph (2) of this regulation shall be disqualified from receiving the benefit in respect of the period preceding the date on which the claim is actually submitted.

(4) Notwithstanding paragraph (3) of this regulation, in any case where a claim is not made within the time prescribed, the Board may, on good cause shown, allow a claimant to receive a benefit to which he would have been entitled if the claim had been made within the period prescribed:

Provided that no sum shall be paid by way of invalidity pension, in respect of any period in excess of 325Y.

(5) Where a claim for invalidity grant, retirement grant, funeral grant or survivor's grant is made five years after the date of invalidity, retirement or death of the employee, as the case may be, the claimant shall be disqualified from receiving the benefit.

47. Information and documents to accompany claims

(1) A claim for invalidity benefit shall be supported by a medical certificate and where an employer has such certificate in respect of the employee, he shall furnish the notice referred to in paragraph (1) or (2) of this regulation with that certificate to the Board.

(2) A claim for a survivor's benefit which is due to the dependant's incapacity for work shall be accompanied by a medical certificate.

(3) A claim for a survivor's benefit shall be supported by a marriage certificate, a death certificate in respect of the deceased employee and if the entitlement of the benefit is in respect of education or training, a notice by the institute where the claimant is educated or trained.

(4) A claim for a funeral grant shall be accompanied by a death certificate in respect of the deceased employee and bills or receipts in respect of the funeral expenses.

(5) The Board may, in the absence of a certificate or other document referred to in this regulation, accept such other proof as it considers sufficient in lieu of the certificate or other document.

48. Additional information to be supplied by claimant or employer

The claimant or the employer, as the case may be, shall furnish the Board with such other particulars as the Board may, from time to time, require.

49. Medical certificate

(1) Where, under these Regulations, a claim is required to be supported by a medical certificate issued by a medical practitioner for the purpose of establishing the claimant's or beneficiary's incapacity for work, the certificate shall be in such form as the Board may, from time to time, determine and shall include:

(a) in the case of invalidity benefit, the condition causing such incapacity for work giving an indication of the disease, disablement or injury by which the claimant is, in the opinion of the medical practitioner, rendered incapable of work;

(b) the date of the medical examination on which the certificate is based;

(c) the period during which, in the opinion of the medical practitioner, the incapacity for work shall continue; and

(d) the signature of the medical practitioner, with his name and address printed thereunder.

(2) A medical certificate shall be issued on the date of the examination on which it is based and no further certificate based on that examination shall be issued other than a duplicate certificate to replace the original certificate which has been mislaid, in which case such certificate shall be clearly marked "duplicate."

(3) A medical certificate shall be issued in respect of such periods and at such intervals as the Board may require for the purpose of determining entitlement to benefit or the continuance of the payment of the benefit.

(4) The Board may, in its discretion, reject any medical certificate, which does not comply with this regulation and may suspend the determination of the claim until a proper medical certificate is submitted.

(5) The Board may, in its discretion, accept such other evidence as it may consider appropriate.

50. Amendment of claim

A claimant may, by notice in writing addressed to the Board, amend a claim at any time before a decision is given thereon and any claim so amended shall be treated as if it had been duly made at the first instance.

51. Alternative benefit

Where it appears that a claimant is entitled to a benefit other than the one claimed, the Board may treat the claim as a claim for the alternative to that other benefit if the necessary particulars and documents are attached.

52. Defective claim

If a claim form is defective at the date of its receipt, the Board may refer it back to the claimant, and if the form is returned to the Board properly completed within 30 days from the date on which it is so referred, the claim may be treated as if it had been duly made in the first instance.

53. Person unable to claim

Where a person who may be entitled to a benefit, is a child or is otherwise unable to claim at the prescribed time and has no representative authorised or duly appointed under the law to act for him, the Board may accept in lieu of his claim a claim made on behalf of the child or other person who is unable to claim.

54. Place and manner of payment of benefits

(1) A benefit under these Regulations may be paid at any designated office of the Fund or at such other place as the Board may arrange.

(2) Benefits shall be paid in Nigerian currency and by means of cheques or in such other manner as the Board may consider appropriate.

55. Time of payment of benefits

(1) Subject to these Regulations, where a person is entitled to a benefit, payment shall be made—

(a) in the case of a periodic payment, monthly in arrears; and

(b) in the case of a lump sum payment, as soon as possible after the claim has been determined.

(2) Benefits payable under paragraph (1) of this regulation may, having regard to the interests of the beneficiary or any other relevant circumstances, be paid in such manner as the Board may determine.

56. Obligations of person receiving benefit

(1) The Board may require a beneficiary to submit himself for medical examination by one or more medical practitioners nominated by the Board.

(2) The Board may require beneficiary to furnish, from time to time, documentary evidence that he is alive and if such evidence is not given to the Board within the time specified, the Board may suspend the payment of the benefit until the date on which the evidence is given.

(3) Before payment of a benefit is made, a beneficiary shall, at the request of the Board, produce evidence of entitlement to the benefit and his identity in support thereof.

(4) A beneficiary shall inform the Board six months before his education or training ceases.

57. Revision of benefit

(1) The Board may at any time, after notice to the beneficiary and having given him opportunity to be heard, review the benefit granted on any of the following grounds—

(a) that the beneficiary has not submitted himself for medical examination when required to do so; or

(b) that the incapacity for work which gave rise to the award has been aggravated by the unreasonable refusal or wilful neglect of the beneficiary to submit himself for medical or surgical treatment; or

(c) that the beneficiary absented himself in such manner that no notice can be served on him or that his whereabouts are unknown; or

(d) that the beneficiary no longer satisfies the conditions for entitlement to the benefit,
and may make an order confirming, discontinuing, suspending, reducing or increasing the benefit as the case may require:

Provided that no review of benefit shall be undertaken whilst an appeal on the same matter is pending before the Board or the court.

(2) Where a person is required under this regulation to submit himself for a medical treatment he shall not be disqualified for any benefit by refusal to undergo a surgical operation which might, in the opinion of the medical practitioner, be dangerous to his life.

58. Recalculation of survivor's pension

When a beneficiary of a survivor's pension is deceased or otherwise disqualified from receiving the benefit, the Board shall recalculate the survivor's pension and share the pension between the other beneficiaries, equally or in such portions as the Board, in its discretion, may determine:

Provided that the portion paid to a beneficiary may not exceed the rate the beneficiary is entitled to under regulation 43 of these Regulations.

59. Cessation of benefit

Subject to these Regulations, where a beneficiary is deceased his entitlement to the benefit shall cease on the first day of the next month following the date of the beneficiary's death and any unpaid benefit due under the Fund shall be distributed in accordance with these Regulations among the dependants of the deceased beneficiary, if any, in such portions as the Board, in its discretion, may determine.

60. Person unable to act

(1) Where a beneficiary is a child or person who is otherwise unable to act at the time, and has no representative authorised or duly appointed under the law to act for him, the Board may, upon written application being made to it appoint a person to exercise on behalf of that child or other person any right to which that child or person may be entitled under these Regulations:

Provided that—

(a) any such appointment by the Board shall terminate immediately on the date the Board is notified that a person or an authority has been duly appointed to act for that child or person;

(b) a person who has not attained the age of 18 years may not act or be appointed to act under this paragraph;

(c) the Board may at any time in its discretion revoke the appointment under this paragraph;

(d) any person appointed under this paragraph may terminate his appointment on giving one month's notice in writing to the Board.

(2) Anything required by the provisions of paragraph (1) of this regulation to be done by any person who is a child or person who is otherwise unable to act may be done by any person appointed under that paragraph and the receipt of any sum paid in respect of any benefit shall be a proper discharge by the Board of its obligations under the Fund.

PART V

Administration of the Scheme

61. Board to administer the Scheme

The Board shall administer the Scheme.

62. Board may delegate its functions

(1) The Board may, on such terms and conditions as it may consider appropriate, delegate any of its functions under the Fund to the Managing Director and to any person employed by the Fund.

(2) Subject to paragraph (1) of this regulation, the Managing Director shall on behalf of the Board and in the manner approved by the Board—

(a) receive applications for registration as employers and employees under the Fund;

(b) register employers and employees under the Fund and allocate social insurance numbers;

(c) determine whether—

(i) any person is an employee or an employer for the purposes of the Fund;

(ii) any particular employment is covered by these Regulation;

(iii) contributions are or were payable by or in respect of any person;

(iv) contributions have been paid by or in respect of any person for any period;

(d) issue social insurance identity cards and replace any lost or defaced card;

(e) determine any question relating to the liability to contribute, amounts of contributions and method of payment of contributions;

(f) collect contributions payable to the Fund;

(g) receive claims for benefits;

(h) adjudicate upon all applications and claims and other matters coming before him for a decision under these Regulations;

(i) pay benefits payable from the Fund under these Regulation;

(j) determine any question relating to—

(i) the entitlement to any benefit;

(ii) the submission, consideration and termination of the claims for benefit;

(iii) computation of insurable earnings;

(iv) the amount and method of payment of any benefit;

(v) the disqualification, withholding, revision, recalculation, discontinuance, or suspension of any benefit;

(k) determine whether any person is a dependant under the Scheme and, if so, the degree of dependence and whether there is more than one dependant who shall receive the benefit and the allocation of the benefit among them;

(l) administer the Fund as provided in these Regulations;

(m) after the conclusion of each year, report to the Board upon the administration of the Fund during that year;

(n) collect, compile and maintain such statistics and information relating to the contributions paid to the Fund and the grant of benefits to persons under the Scheme as he may deem necessary or as may be required by the Board;

(o) issue the appropriate forms referred to in these Regulations; and

(p) make any investigation and perform such other functions and duties as may be assigned to him or as he deems fit for the administration of the Fund.

(3) The Managing Director may, in any circumstances in which a claimant or beneficiary is required to produce a medical certificate refer the matter to the medical panel appointed under regulation 63 of these Regulations before adjudicating the claim.

(4) The Managing Director shall notify his decision on a claim to the claimant in writing and where any benefit has been disallowed in whole or in part, the notice shall state the grounds for the disallowance and the right of the claimant to object and

appeal under regulation 64 of these Regulations and the instructions on how and where to lodge his objection or appeal against the decision, as the case may be.

63. Medical Panels

(1) The Board shall appoint medical panels consisting of three or more medical practitioners, one of whom shall be designated as chairman.

(2) Members of a medical panel shall hold office for such period of time as the Board may fix.

(3) A medical panel shall consider such cases as the Board or the Managing Director may refer to it from time to time.

(4) A decision of a medical board, if not unanimous, shall be by simple majority and the chairman of the medical panel shall give the Board or the Managing Director, as the case may be, a medical report on the case referred to the panel including the decision.

(5) The procedure for determining any case referred to a medical board shall be determined by the medical panel.

64. Objections and appeal against decision of Managing Director

(1) A person affected by a decision of the Managing Director on any matter referred to in sub-paragraph (a), (b), (c), (d), (e), (h), or (i) or sub-paragraph (j) (i), (ii), (iii), (iv) and (v) or sub-paragraph (k) of regulation 62 (1) of these Regulations, or any other matter directly arising out of the proceedings under these Regulations, may, within 60 days of such decision, lodge with the Managing Director an objection against such decision on the appropriate form.

(2) An objection may similarly be lodged by a trade union or employer's organisation registered under the Trade Unions Act, of which the person in respect of whom such decision was given was a member at the relevant time.

(3) A claimant or beneficiary affected by a decision of the Managing Director as to the extent, nature or duration of any incapacity to work or as to any other medical question in dispute may appeal against the decision to the Board.

65. Proceedings on behalf of dependants

(1) If an objection arises out of a claim for a benefit in respect of an employee's death, the objection made on behalf of the dependant shall be made by the representative of the deceased employee or, if there is no such representative, by a person appointed by the Board to make such objection and to act as a representative of the deceased employee for the purposes of this paragraph.

(2) A representative shall comply with regulation 64 of these Regulations as to the lodging of an objection accompanied by the required documents.

(3) For the purposes of paragraph (1) of this regulation, "dependant" includes a person who claims or may be entitled to claim to be a dependant.

66. Managing Director's reply

The Managing Director shall, within 30 days of the receipt of an objection on the prescribed form, write to the objector to confirm, vary or set aside the decision objected to and shall state his reasons for the decision.

67. Appeal to Board

(1) An objector may, within 30 days of the receipt of the Managing Director's reply referred to in regulation 66 of these Regulations, appeal to the Board against the Managing Director's decision.

(2) An appeal shall be on the appropriate form and be accompanied by a copy of the objection and the Managing Director's reply thereto.

(3) On receipt of an appeal under paragraph (2) of this regulation, the Board shall—

(a) fix a time for hearing the appeal not more than 30 days from the date of the receipt of the notice of appeal; and

(b) notify the Managing Director and, on the appropriate form, the objector of the time and place for the hearing of the appeal.

68. Appearance by parties and witnesses

(1) At a hearing of an appeal under sub-paragraph (a) of paragraph (3) of regulation 67 of these Regulations, a party to the appeal may appear—

(a) in person; or

(b) by a legal practitioner; or

(c) in the case of the Managing Director, by any person to whom he has delegated power to so appear; or

(d) in the case of an employee—

(i) by a member of his family; or

(ii) by an officer of a trade union registered under the Trade Unions Act;

or

(iii) by any person appointed by him to act on his behalf; or

(e) in the case of an employer, by a person in the regular employment of the employer; or

(f) in the case of a corporate body, by an officer thereof; or

(g) by leave of the Board, by any other person.

(2) On failure of either party to appear at the time and place fixed for hearing of an appeal under regulation 67 of these Regulations, the Board may proceed with the hearing and if there is sufficient evidence that notice of the hearing of the appeal had been served on the parties make such determination on the appeal as it deems just and expedient.

(3) No person who appears in a hearing by the Board, other than a legal practitioner, medical practitioner or any other expert shall recover any fee or reward except necessary out-of-pocket reimbursement and expenses from the Board.

69. Inquiries and procedure

(1) The Board may, before determining any matter referred to it, appoint a person to hold an inquiry into the matter and to report on it to the Board.

(2) The Board or the person holding an inquiry under paragraph (1) of this regulation may, during the hearing or inquiry, summon persons to produce any document, book, record or thing for examination by the Board or the person, as the case may be.

(3) A person who has an interest in a matter to be determined by the Board shall be informed of the date, place and time of consideration of the matter and be entitled to attend and be heard by the Board.

(4) The procedure for determining an appeal under these Regulations shall be determined by the Board.

(5) Before determining any matter referred to in paragraph (3) of regulation 64 of these Regulations, the Board shall consult the medical panel.

70. Technical Assessor

(1) At the hearing of an appeal, the Board may appoint as an assessor any person other than a medical practitioner skilled in any technical matter before it to sit with the Board and to act in an advisory capacity at the hearing of any objection under these Regulations:

Provided that any person so appointed by the Board shall not be an employee of, or associated in any pecuniary way with, the employer by whom the employee in respect of whose appeal the hearing is being held, was employed.

(2) A person shall not be appointed, nominated or selected, or if appointed; nominated or selected, shall not sit or act as an assessor, if he has, in connection with the circumstances out of which the objection or appeal arises, given professional assistance or advice with regard to the claim, question or dispute to any party to the objection or appeal.

(3) There shall be paid out of the Fund to an assessor, whilst engaged in any sitting or work of the Board under this regulation, such remuneration and reasonable expenses for travelling and subsistence as the Board may determine.

71. Decision of Board on appeal

(1) At the conclusion of a hearing of an appeal under regulation 68 of these Regulations, the Board shall make and serve on the appellant a ruling to confirm, vary or set aside the decision appealed against.

(2) The Managing Director shall not take part in the determination of a matter referred to the Board on an appeal by a person aggrieved by his decision.

72. Appeal to the High Court

A person who is aggrieved by a decision of the Board under this Part of these Regulations, may, within 30 days of the date of the decisions, appeal against the decision to the High Court, and the provisions of the High Court Civil Procedure Rules, shall apply to such appeal.

73. Review of decisions

(1) The Managing Director may review a decision given by him on any matter referred to in these Regulations, if he is satisfied by fresh evidence that—

(a) the previous decision was given in ignorance of, or was based on a mistake, as to some material fact, or in consequence of the non-disclosure or misrepresentation by the person concerned or any other person of a material fact; or

(b) since the date of the decision, there has been a relevant change in the circumstances:

Provided that no review of a decision shall be undertaken whilst an appeal on the same matter is pending before the Court.

(2) The Board may review a decision given by it on any matter referred to in these Regulations, or a decision made by the managing Director if, it is satisfied that—

(a) the previous decision was given in ignorance of, or was based on a mistake, as to some material fact, or in consequence of the non-disclosure or misrepresentation by the person concerned or any other person of a material fact; or

(b) since the date of the decision there has been a relevant change in the circumstances:

Provided that no review of a decision shall be undertaken whilst an appeal on the same matter is pending before the Court.

(3) A decision of the Managing Director shall be reviewed under this regulation—

(a) at the instance of the Managing Director; or

(b) on an application on the appropriate form to the Managing Director, by the employee or beneficiary or his representative or by the employer, as the case may be, stating the grounds upon which the application is based.

(3) A decision given a review under this regulation or any refusal to review under paragraph (1) or (2) of this regulation shall be subject to appeal under this regulation.

74. Interim payments

(1) Subject to paragraph (2) of this regulation, a benefit shall be payable in accordance with a decision made under these Regulations notwithstanding that an appeal against the decision is pending.

(2) Where it appears to the Board that a question as to whether—

(a) the conditions for the receipt of a benefit payable in any case are or were fulfilled; or

(b) the award of a benefit ought to be revised in terms of this regulation, has arisen, it may direct that the payment of the benefit be suspended in whole or in part until the question has been determined.

PART VI

General

75. Priority of benefit

(1) In the case of an invalidity benefit and a retirement benefit, the retirement benefit and in any other case the benefit payable at higher rate.

(2) Notwithstanding paragraph (1) of this regulation, survivor's benefit shall be payable at the same time as any other benefit, but only one survivor's benefit shall be payable to the same beneficiary and the survivor's benefit payable shall be the benefit first awarded.

(3) Notwithstanding paragraph (2) of this regulation, where a survivor's benefit is payable to a child in respect of the death of a parent, additional survivor's benefit may also be payable on the death of the second parent.

(4) Where a benefit ceases to be payable and the beneficiary is at the time of the cessation of that benefit, entitled to another benefit, the other benefit shall be payable to the beneficiary.

76. Recovery of benefits

Where, in accordance with a decision taken on review or appeal, any benefit is required to be repaid to the Fund, such benefit shall, without prejudice to any other method of recovery, be recoverable by deduction from any benefit then or thereafter payable to the person by whom it is to be repaid, or from any benefit payable on his death.

77. Suspension of benefit

(1) Subject to paragraph (2) of this regulation, a beneficiary shall have his benefit suspended for any period during which he is undergoing imprisonment or detention in lawful custody.

(2) Notwithstanding paragraph (1) of this regulation, the Board may, where it is satisfied that the beneficiary undergoing imprisonment or detention in lawful custody has dependants who were wholly or partially maintained by the beneficiary immediately preceding the imprisonment or detention, authorise payment to or in respect of the dependants of an amount not exceeding one half of the benefit which would have been payable to the beneficiary, during such period as the Board may, having regard to the particular circumstances of the case, determine.

(3) The benefit suspended under paragraph (1) of this regulation shall be resumed to the beneficiary immediately after the imprisonment or detention has ceased.

78. Benefit payable to employer in lieu of employee

(1) Where an employer is liable to pay his employee wages and benefits for absence from work because of invalidity and an invalidity pension is payable to that employee under these Regulations, the Board shall pay, in lieu of the employee, to the employer—

(a) where the amount of wages paid by the employer to that employee is the same or exceeds the amount of the benefit, the whole amount of the benefit payable to the employee under these Regulations; and

(b) where the amount of wages paid by the employer to that employee is less than the amount of the benefit, the amount of the wages paid by the employer to the employee.

79. Persons absent from

Nigeria

(1) Subject to paragraph (2) of this regulation, a beneficiary shall be disqualified from receiving an invalidity pension for any period exceeding one month during which he is absent from Nigeria.

(2) Notwithstanding paragraph (1) of this regulation, the Board may, having regard to the particular circumstances, determine that an invalidity benefit be paid for such period in such circumstances as the Board may determine.

80. Benefit not to form part of deceased employee's estate

(1) Benefit recovered or recoverable in respect of the death of an employee shall not form part of the deceased employee's estate for the purposes of the law relating to the administration of estates or the law relating to estate and succession of duty.

(2) Regulation 59 of these Regulations shall mutatis mutandis apply in respect of any benefit mentioned in paragraph (1) of this regulation.

81. Unpaid contribution to have priority over other debts

Sums due on account of contributions payable to the Fund under these Regulations and other amount legally payable to the Fund shall be included among debts accorded priority under any law relating to personal insolvency, companies winding up and the remedies of debenture holder and charges, if the liability arose before the date of the order of insolvency or the date of the winding up, as the case may be.

82. Employment by two or more employers

(1) Where an employee is employed by two or more employers, the Board may determine the manner in which each of the employers concerned shall contribute in respect of the employee.

(2) Where an employee has two or more contributions deducted from his earnings and the total of those contributions exceeds the maximum contribution payable under these Regulations, that employee shall be entitled on an application to the Board on an appropriate form, to have the excess of his contributions refunded.

(3) An application under paragraph (2) of this regulation shall be made within 12 months from the date on which the contributions were paid.

83. Payment of contribution for period abroad

(1) Where a person is employed outside Nigeria and that employment, if it had been in Nigeria, would have been an employment under these Regulations, the person shall be treated as an employee for the period for which he is employed:

Provided that—

- (a) the employer has a place of business in Nigeria;
- (b) the employer is a citizen of or is ordinarily resident in Nigeria;
- (c) immediately preceding the commencement of the employment, the employee was resident in Nigeria.

(2) Contributions in respect of any employment referred to in paragraph (1) of this regulation shall be made in accordance to these Regulations.

84. Occupational schemes

Nothing contained in these Regulations shall be construed as preventing an employer from operating any occupational scheme.

85. Contracting out prohibited

Except as is expressly provided in these Regulations, any provision in a contract on the appointed date or thereafter entered into, whereby an employee or his dependants relinquish any right to a benefit, whether for the employee or for any dependant, shall be null and void.

86. Transmission on notices and documents

Except as otherwise prescribed, any notice or document required or authorised to be given to any person by the Managing Director or the Board under these Regulations, shall be deemed to have been given or sent if it was sent by post to that person at his last known address.

87. Threats and compulsion

A person who by threat or in any other manner whatsoever compels or attempts to compel any employee to do or omit to do any act, the doing or omission of which deprives or is intended to deprive him or his dependants of any entitlement to any benefit, is guilty of an offence.

88. Obligation to confidentiality

An employee of the Fund to whom the Board or the Managing Director has delegated any of his functions under regulation 62 of these Regulations, shall treat as confidential any information obtained by him in the performance of his functions and shall not disclose any such information except when required to do so by a court of competent jurisdiction or in such other circumstances as may be prescribed.

89. Disclosure of information by tax office

(1) Subject to paragraph (1) of this regulation, no obligation as to the secrecy imposed by statute or otherwise on persons employed in relation to the collection of tax shall prevent information obtained relating to the assessment or collection of tax from being disclosed to the Board or to any of the officers or employees of the Fund where such information relates to the collection of contributions under these Regulations or the payment of any benefit thereunder.

(2) Paragraph (1) of this regulation shall extend only to the disclosure by or under the authority of the Director in charge of the tax which is the subject of disclosure to any person by virtue of that paragraph, and shall not be further disclosed by any other person except where further disclosure is made—

(a) to a person to whom disclosure could otherwise have been made by or under the authority of the Director in charge of the tax; or

(b) for the purpose of any proceedings in connection with the collection of contributions under the Scheme or the payment of the benefit thereunder.

90. Employments exempted from the Fund

The following employments are excluded from membership of the Fund that is—

(a) employment in a diplomatic mission in Nigeria of any employee who is not a citizen of Nigeria;

(b) expatriate employment, that is, employment of an employee who is not a citizen of Nigeria and who is working in Nigeria on a temporary employment permit;

(c) casual employment, that is, employment where the engagement is for a period of not more than six weeks in any three calendar months as defined in the Labour Act;

(d) employment where an employee earns less than the stipulated national minimum wage;

(e) employment in the public service; and

(f) employment as a domestic employee in a private household.

91. Forms

The Forms set out in the Schedule to these Regulations or any other forms approved by the Board shall be used for the purposes stated therein as specified under these Regulations.

92. Interpretation

In these Regulations, unless the context otherwise requires—

“Act” means the Nigeria Social Insurance Trust Fund Act;

“appointed date” means the date of commencement of these Regulations;

“beneficiary” means in relation to any payment of benefits the person entitled to benefit;

“benefit” means benefit payable under these Regulations;

“Board” means the Nigeria Social Insurance Trust Fund Management Board established under the Act;

“child” means an unmarried son or daughter under the age of 18 years and includes an illegitimate child, posthumous child, stepchild and an adopted child if the Board is satisfied that the child was in fact adopted prior to the death but does not include a person who is supporting and maintaining himself or herself;

“claimant” includes in relation to an award or decision, a person under the award or decision;

“contribution” means a contribution payable to the Fund under these Regulations;

“contribution period” means a calendar month at the end of which contributions are payable;

“date of invalidity” means the date from which a person begins to suffer the invalidity;

“date of retirement” means the date from which a person attains pensionable age and ceases to be employed in an insurable employment;

“deceased” means, in relation to survivor’s benefit and funeral grant, the person in respect of whose death such benefit or grant is claimed or payable;

“dependant of the employee” means a person defined as a dependant in regulation 41 (2) of these Regulations;

“earnings” means the remuneration of an employee in respect of his employment by an employer;

“employee” means any person who has entered into or works under a contract of employment or apprenticeship with an employer, whether the contract is express, implied, oral or in writing, and whether the remuneration is calculated by time or work done, or is in cash or in kind;

“employer” means—

(a) any person or any body of person, corporate or unincorporated, who has a contract of employment or apprenticeship with an employee or who employs or provides work for another person and remunerates or expressly or tacitly undertakes to remunerate him and includes any person controlling the business of an employer;

(b) where an employer temporarily lends or lets on hire the services of an employee to another person or body of persons, corporate or unincorporated, the first employer of such employee while he is working for that other person or body of persons, corporate or unincorporated;

(c) in respect of any person employed by a club, co-operative or other association of persons, the members of the managing committee or the secretary or other responsible officers of the club, co-operative, society or association, and includes a self employed person;

“Fund” means the Nigeria Social Insurance Trust Fund established under the Act;

“incapable of work” means incapable of earning, by reason of some specific disease or bodily or mental disablement, in any occupation which could reasonably be

assigned to a person in view of his strength and ability as much as one third of what a fit person of similar training and previous occupation earns;

“insurable earnings” means the earnings of an employee in respect of which the employee and his employer are liable to contribute to the Fund;

“insurable employment” means employment in respect of which contributions are payable to the Fund;

“invalidity benefit” means invalidity pension and invalidity grant;

“long-term benefit” means any benefit referred to in paragraph (3) of regulation 13 of these Regulations;

“Managing Director” means the Managing Director of the Fund appointed under the Act;

“marriage” includes a marriage contracted according to customary law notwithstanding that it is not a valid marriage under the Marriage Act;

“medical practitioner” means a medical practitioner or a dental surgeon registered under the Medical and Dental Practitioners Act;

“Minister” means the Minister charged with responsibility for matters relating to labour;

“pensionable age” means the age from 60 years;

“pension benefit” means invalidity pension, retirement pension and survivor’s pension;

“representative” means the executor or other person lawfully appointed to take charge of the estate of a deceased employee and, if there is no such person, means any person specially appointed by the Board to make a claim under the Scheme on behalf of the deceased employee’s dependants and in other respects to act as his representative for the purpose of the Scheme;

“retirement benefit” means retirement pension and retirement grant;

“Scheme” means the insurance provided by the contributions to the Fund which entitles members to the benefits payable under regulation 30 of these Regulations;

“widow” or “widower” includes any person with whom the employee was, in the opinion of the Board, living as man and wife at the time of death;

“voluntary contributor” means a voluntary contributor referred to in these Regulations.

93. Short title

These Regulations may be cited as the Nigeria Social Insurance Trust Fund (General) Regulations.

Schedule

[Regulations 2, 3, 4, 5, 7, 17 and 18.]

FORMS

NSITF 01

Nigeria Social Insurance Trust Fund

Application for registration of an employer

This registration of each employer and all of its workers with Nigeria Social Insurance Trust Fund is required by law. Please complete and return this form within 30 days of commencing operation to: The Managing Director NSITF.

1. PARTICULARS OF EMPLOYER

- (a) Name
- (b) Registration/Incorp. No
- (c) Nature of main business
- (d) Location/Street address
Town.....LGAState
- (e) Full postal address
- (f) Total number of workers
- (g) Full name of Director/Manager
- (h) Are you a branch (If yes, please complete below)

2. PARTICULARS OF EMPLOYER'S PARENT COMPANY (IF ANY)

- (a) Name
- (b) Contact address
- (c) Registration/Incorp. No.
Date
- (d) NSITF Registration No..
Date
3.

.....
Signature of Director/Manager Employer's officer's official stamp/Date

4. FOR NSITF OFFICE USE ONLY

- (a) NSITF Registration number allocated
Date
- (b) Date from which this employer becomes liable to comply.....
- (c) Number of NSITF 03 Registration Forms sent for completion

Above entries checked and confirmed, complete and accurate by:

Name of State
Manager

Signature _____ of _____ State
Manager

....
Official
Stamp/Date

DISTRIBUTION

Blue – Employer
Pink – Registration/Systems
Yellow – State Manager

NSITF 02

Nigeria

Social Insurance Trust Fund
Notification to employer of registration number

To
.....

With reference to your application to be registered as an employer under the above Act I have to inform you that you have now been registered and your registration number is

This number should be quoted in all correspondence with the Fund.

I enclose forms NSITF 03 for completion by you and your hitherto unregistered workers and shall be obliged if you will return them as soon as possible so that the workers may be also be registered. All employers who have registered elsewhere with NSITF need not complete Form NSITF 03 but must provide their existing registration number/certificate to ensure continuity.

Dated
.....

.....
..... Managing Director

NSITF 03

Nigeria

Social Insurance Trust Fund
Registration of workers

NSITF LOGO

CERTIFIED
PASSPORT
PHOTO

All workers are required by law to register only once WITH the Nigeria Social Insurance Trust Fund for membership. Please complete this Form and return it through your current employer within one week of commencing work to: The Manager, Nigeria Social Insurance Trust Fund.

1. WORKER'S DETAIL

(a) National Identity Card
No.

(b)
.....

Surname First name Middle name

(c) Date of birth
.....(Certified) Day

Month Year

(d) Sex (M/F) (e) Place of Birth.....

(f) Marital status
...(Please tick) Single Married Divorced Widow(er)

(g) Nationality (h) LGA of Origin

(i) Father's
... Surname First name Middle name

(j) Mother's
..... *Maiden surname First name Middle name

(k) Present contact address

(l) Permanent contact address

(m) Next-of-kin 1st
Name First name Middle name Relationship

(m) Next-of-kin 2nd
Name First name Middle name Relationship

* In the case of death intestate, my next-of-kin shall be entitled to my benefit.

2. CURRENT EMPLOYMENT DETAILS

(a) Employer's NSITF Registration
No.

(b) Date of employment
..... Month Year

(c) Date of employment
..... (d) Staff

No.
Department

(e) Profession

(f) Taxable salary per annum
N

Signature Date

Above entries confirmed correct by current employer.

Signature of Director/Manager Employer official stamp/Date

3. FOR NSITF OFFICE USE ONLY

(a) NSITF Registration number
allotted

(b) Previous NSITF Registration number(s) (if
any) (c) Effective date of joining the
scheme Month
Year

(d) Name of State
Manager

(e) Signature/Date

(f) Above record examined by Inspectorate/Audit
on

(g) Auditor's
signature/Stamp

DISTRIBUTION

Pink -

White - Registration/System

NSITF 03 (A)

Nigeria

Social Insurance Trust Fund
Amendment of employee personal details

Member's	NSITF	Registration	No.
Current	Employer's	NSITF	Registration
No.			
National	Identity		Card
No.			

	DETAILS	FORMER
	NEW	EFFECTIVE DATE
1. *		
Surname		
.....		
* First		
name		
.....		
* Other		
name		
.....		
2. *		
Surname		
.....		
3. Permanent contact		
address		
L.G.A:		
.....		
State:		
.....		
4. Next-of-kin:		
(i)		
Name		
.....		
Relationship		
.....		
Occupation		
.....		
(ii)		
Name		
.....		
Relationship		
.....		
Occupation		
.....		
Affidavit and copy of publication confirming change of name attached.		
Member's signature/Date		
Current employer's signature/Date		
FOR OFFICE USE		
Above	changes	effected in member's record
on:		
Member	communicated	on effected changes
on:		
Name	of	
Officer:		
.....		
Signature/Date:		
.....		
1st Copy	-	Information System
2nd Copy	-	Registration

3rd Copy— Zonal/State Managers
FRONT
NSITF
LOGO

NSITF 04

Nigeria

Social Insurance Trust Fund
Certificate of membership

NSITF:
.....

Employer
number:
.....

Surname	Other names	Initials
.....		
.....	Date of issue	Member
signature/Thumb print		

If found please return to any Nigeria Social Insurance Trust Fund or the nearest Police Station.

BACK

This card may be used only by the person named on the FRONT of for his/her benefit in the case of death/sickness. Produce this card and give your Nigeria Social Insurance Trust Fund No.—

- * Whenever you start work for a new employer;
- * Whenever you contact NSITF for any transaction.

Tell your local Nigeria Social Insurance Trust Fund Office:

- * If you lose this membership card;
- * If you change your name or address;
- * If you change your next-of-kin.

..... Issuing Authority

A SPECIMEN OF THE NEW NSITF 04 CARD TO BE LAMINATED

NSITF 05

[Editorial Note: Form is not available at the time of printing this publication. It will be inserted and issued to all subscribers in subsequent updates.]

NSITF 06

Nigeria

Social Insurance Trust Fund
Advice of payment of contributions

NSITF

LOGO

Employer Registration Number:..... RC

Name of
employer

Address:
.....

If you are reporting a new address tick
here

Month	Paying day	Number of the year or month	Amount	No. of employees
-------	------------	-----------------------------	--------	------------------

.....		JAN	01	N : k
.....		FEB	02	
.....		MARCH	03	
.....		APRIL	04	
.....		MAY	05	
.....		JUNE	06	
.....		AUGUST	08	
.....		SEPT	09	
.....		OCT	10	
.....		NOV	11	
.....		DEC	12	

.....
SURCHARGE

INTEREST

.....
TOTAL

I forward herewith Cheque No.
date
Money or Postal Order
No.

(OFFICIAL USE ONLY)

.....
Employer's signature

NB: This form should immediately be forwarded to the State Manager the duplicate
copy of the official receipt to enable your account to be credited accordingly.

FOR USE IN THE OFFICE OF THE FUND

I certify that above total amount has been verified with NSITF Official Receipt No.

.....
.....Official Receipt No. Day month year
..... Official's
signature

Date

Issued free

NSITF 07

NSITF –BEN 07

(To be completed in triplicate and accompanied with membership card)

Nigeria

Social Insurance Trust Fund

Application for payment of retirement/invalidity benefit

(Nigeria Social Insurance Trust Fund Act 1993 (1993) No. 73) (Reg.
No.)

Employer's No. Member's

No.

..... ACCOUNT PARTICULARS

Surname Other name

.....
(Block letters)

Date of

birth:

.....
PARTICULARS OF EMPLOYERS

Names and address of present and previous employers with dates:

1. From.....
to

2. From.....
to

3. From.....
to

I wish to claim the whole amount due to me under the above-described account, in circumstances marked "X" below—

.....
.....

I am a permanent invalid unable to work and attached herewith, medical certificate to that effect.

.....
.....

NB: Any person who makes a false statement or representation or who produces or furnishes or cause to be produced or furnished any information which he knows to be false in a material particular is guilty of an offences under the National Social Insurance Trust Fund Act.

PAYMENT INSTRUCTIONS

Full postal address to which payment should be made:

.....(Block letters)

Form of payment desired (Cheque, Postal Order or Money Order)

(INVALIDITY BENEFIT)

(a) NSITF O7 in triplicate;

(b) NSITF 14 (Membership Certificate);

(c) Medical Certificate of permanent invalidity.

Please delete whichever is inapplicable.

(RETIREMENT BENEFIT)

(a) NSITF O7 in triplicate;

(b) NSITF 04 (Membership Certificate);

(c) Certificate of Service.

.....
.....

Right thumb impress of person making application

Signature of person making application

.....
.....

..... Signature of witness
Date

Name and address of witness

FOR USE IN NSITF OFFICE

INVALIDITY PENSION

(a) Not less than 80% of the national lowest minimum wages N

(b) If benefit exceed the rate in (a) of 65% of the final average insurable earnings of the employee (maximum as for retirement pension)

N

- (c) Limited of 65% of the final average earnings subject to overriding maximum of ten times the national lowest minimum wage N

INVALIDITY GRANT

Lump-sum payment of two years pension N
Less previous benefits paid N
New amount payable N
Date payment of benefit listed for post
Initial
.....
Processing Officer Approving Manager
Date
Date
.....

Right thumb impress of person making application Signature of person making application

.....
Date
Signature of witness
Name and address of witness

FOR USE IN NSITF OFFICE

Retirement pension authorised
.....
Manager

RETIREMENT PENSION

- (a) Not less than 80% of the National Lowest Minimum Wage N

- (b) Pension not exceeding a rate of 65% of the average insurable earnings of the employee (in case the amount of benefit exceeds the rate specified in (a)) N

RETIREMENT GRANT

Lumpsum payment equivalent to the final monthly total contributions at retirement age multiplied by number of months of paid contributions N

Less N
Previous benefit paid N
Net amount payable N Date payment of benefit listed for posting
Initial
.....
Processing Officer Approving Manager
Date
Date

(To be completed in quintuplicate)

Nigeria

Social Insurance Trust Fund
Application for payment of survivor's benefit
Employer's No. Member's No.

.....
..... ACCOUNT PARTICULARS

Surname Other
name

(Block letters)

Date of
birth:

..... PARTICULARS OF EMPLOYERS

Names and address of present and previous employers with dates:

1. from
to

2. from
to

3. from
to

Please mark "X" in the column beside the type of survivor's OR Funeral grant you
are claiming:

.....
..... FUNERAL GRANT

.....
.....

SURVIVOR'S PENSION

.....
.....

I hereby apply for the whole or part of the amount due to the deceased member of the
fund on the following grounds—

1. That the deceased died testate/intestate.
2. That at the time of his/her death, he/she was subject to Islamic Law,
Customary Law and Common Law and I am/I and

are solely entitled to the benefit.

3. That at the time of his/her death, the deceased was not subject to Islamic Law
or Customary Law or Common Law and I am entitle to his/her benefits because I am
his/her.....

(here state reason, e.g. executor, administrator, next-of-kin, guardian).

4. That application for probate/administration of the deceased's estate has not
been made.

5. That, to the best of my knowledge and belief, the only other relatives of the
deceased who may claim to be entitled are—

Name Address

.....
.....
.....
.....
.....

DECLARATION

I,..... of (Postal address of claimant)

declare that where the foregoing facts are within my own personal knowledge they are true; and where they are not within my personal knowledge, I verily believe them to be true.

..... Signature
and right thumb impression of
claimant

6. Please note that the following documents will be needed from you before your application could be processed—

- (a) NSITF-BEN 08 in quintuplicate;
- (b) NSITF 14 (Membership certificate);
- (c) Death certificate or Court Declaration informing the death.

Before me (witness)

Signature: Name:
.....

Date:

Occupation:

* Delete or amend as necessary:

Note: The witness must be a Magistrate, a Justice of the Peace, and officer in charge of a Police District, a Labour Officer or Civil Servant, Local Government or Native Authority Officer not below the Advocate or Counsel, or Officer of no less status outside Nigeria.

FOR USE IN N.S.I.T.F. OFFICE
SURVIVOR'S BENEFIT AUTHORISED

.....
Signature

A: FUNERAL GRANT

.....
.....

B: SURVIVOR'S PENSION

.....
.....

C: SURVIVOR'S GRANT

.....
.....
.....

Manager

Amount of balance N
Less N
Previous benefit paidN

Net amount payableN Date payment of pension/Grant listed
for posting
initial
.....
Processing Officer Approving Manager
Date
Date

NSITF 09

Nigeria

Social Insurance Trust Fund
Application for refund of contributions made in error

IMPORTANT: If all contributions to the credit of the worker are claimed to have
been made in error his certificate of membership should accompany this form.

Employer's Ref. No. Member's No.

.....
..... Fund account
particulars
.....

Particulars of Full
name:
contributor

Surname:

(Block letters)

Other
names:
(Block letters)

Other
names:
Name of employee:

Address of employer:

The period of erroneous contribution:..... * We
the undersigned, wish to claim refund of contributions paid in error according to our
respective shares for the periods stated and for the reasons indicated on the back of
this form. We declare that the facts as stated are, to the best of our knowledge and
belief, correct.

.....
 Signature of
 Employer Employer's Official Stamp

 Signature and right thumb impression Witness to signature and right thumb
 of worker impression of worker

PAYMENT INSTRUMENTS

Full postal address to which the employer's payment should be
 sent:
Address to which worker
 desires payment to be
 sent:

.....Where
 e the employer is himself claiming the worker's contribution because it was not
 recovered from the worker, the worker's signature or thumb impression shall not be
 required, but the employer shall sign the following certificate.
 I hereby certify that the worker's share of the contribution made in error has not been
 recovered from the worker.

.....
 Signature of Employer
 * Strike out what does not apply.
 FOR OFFICIAL USE ONLY
 Claims confirmed
 by:

 Withdrawal authorised
 by:
 Amount of
 refund:

 Employer Worker
 Contributions N N
 Interest N N

Insurable earnings (revision) order
 [S.I. 41 of 2000.]
 under section 40 and regulation 26 (5)
 [1st January, 2001]
 [Commencement.]

1. Revision of insurable earnings
 The insurable earnings assessed at N48,000 under regulation 26 (5) of the Nigeria
 Social Insurance Trust Fund (General) Regulations 1994 is hereby revised to
 N528,000.
2. Computation of insurable earnings

For the purpose of any computation of insurable earnings an employee's annual earnings shall not be calculated at a level exceeding N528,000.

3. Citation

This Order may be cited as the Insurable Earnings (Revision) Order 2000 and shall apply throughout the Federal Republic of Nigeria.

Rates of contributions (revision) order

[S.I. 42 of 2000.]

under section 40 and regulation 27 (3)

[1st January, 2001]

[Commencement.]

1. Revision of monthly contributions

The rate of contributions assessed at 7.5 per centum of an employee's insurable monthly earnings by regulation 27 (1) of the Nigeria Social Insurance Trust Fund (General) Regulations 1994 is hereby revised to 10 per centum.

2. Rate of monthly contributions

(1) Accordingly, for every tax year in which a person is employed, the employer and employee shall each contribute monthly to the Fund the amount equal to 10 per centum of the employee's insurable monthly earnings in the following proportion—

(a) 3.5 per centum by employees; and

(b) 6.5 per centum by employers.

(2) Each contribution shall be to the nearest 10 kobo and any amount less than 5 kobo shall be disregarded.

3. Citation

This Order may be cited as the Rates of Contributions (Revision) Order 2000 and shall apply throughout the Federal Republic of Nigeria.