

ORDRE EN CONSEIL

Ratifiant un Projet de Loi intitulé

Loi ayant rapport à la Compensation pour Accidents aux Ouvriers, 1930.

(Enregistré sur les Records de l'Île de Guernesey le
2 août 1930.)



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1930.

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1930.

ORDRE EN CONSEIL.

A LA COUR ROYALE DE L'ÎLE DE GUERNSEY

Le 2 août 1930, pardevant Arthur William Bell, écuyer, Baillif; présents: Julius Bishop, William de Prélaz Crousaz, Jean Ernest Dorey, John Roussel, Richard Francis McCrea, Osmond Priaulx Gallienne, Arthur Dorey, Geoffrey Alfred Carey, Ernest de Garis, Jean Nicolas Robin et Sidney Beckwith Mainguy, écuyers, Jurés.

Monsieur le Baillif ayant ce jour communiqué à la Cour un Ordre de Sa Majesté en Conseil en date du 26 juin 1930 ratifiant un projet de loi intitulé "Loi ayant rapport à la compensation pour Accidents aux Ouvriers, 1930,"

La Cour, après avoir eu lecture du dit Ordre, ouïes les conclusions du Procureur du Roi, a ordonné que le dit Ordre sera enregistré sur les Records de cette Ile duquel Ordre la teneur suit :—

At the Court at Buckingham Palace,

The 26th day of June, 1930.

Present,

The King's Most Excellent Majesty

LORD PRESIDENT.

LORD PASSFIELD.

LORD COLEBROOKE.

LORD BLANESBURGH.

Whereas there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 24th day of June, 1930, in the words following, viz.:—

LE 2 AOUT 1930.

“Your Majesty having been pleased by Your General Order of Reference of the 10th day of May, 1910, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—

“ 1. That for the reasons set forth in the preamble thereto, the Royal Court on the 22nd day of February, 1930, adopted a Bill or *Projet de Loi*, prepared by the Law Officers of the Crown, intituled ‘*Loi ayant rapport à la Compensation pour Accidents aux Ouvriers, 1930,*’ and requested the Bailiff to submit the same to the States of Deliberation for approval. 2. That on the 19th day of March, 1930, the said Bill or *Projet de Loi* was duly considered by the States, when a resolution was passed approving the same and authorising the President to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 3. That the said Bill or *Projet de Loi* is in the words and figures set forth in the Schedule annexed to the said Petition. And most humbly praying that Your Majesty would be graciously pleased to grant Your Royal Sanction to the Bill or *Projet de Loi* of the States of Guernsey intituled ‘*Loi ayant rapport à la Compensation pour Accidents aux Ouvriers 1930,*’ and to order and direct that the same shall have the force of Law within the Island of Guernsey.”

“The Lords of the Committee, in obedience to Your Majesty’s said Order of Reference, have taken the said Petition and the said *Projet de Loi* into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said *Projet de Loi*.”

His Majesty, having taken the said Report into consideration is pleased, by and with the advice of His Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of Law within the Island of Guernsey.

And His Majesty doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

And the Lieutenant-Governor or Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other His Majesty's Officers, for the time being, in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

M. P. A. HANKEY.

**"PROJET DE LOI" referred to in the foregoing
Order in Council.**

**LOI AYANT RAPPORT À LA COMPENSA-
TION POUR ACCIDENTS AUX OUVRIERS,
1930.**

Le 22 février 1930, pardevant Arthur William Bell, écuyer, Baillif ; présents : etc.

La Cour, ouïes les conclusions des Officers du Roi a adopté un projet de loi intitulé " Loi ayant rapport à la Compensation pour Accidents aux Ouvriers (1930), " et est Monsieur le Baillif prié de mettre le dit projet devant les Etats, afin, que s'ils l'approuvent il soit soumis à Sa Majesté en Conseil pour Sa Sanction Royale, duquel projet la teneur suit —

**LOI AYANT RAPPORT A LA COMPENSATION POUR
ACCIDENTS AUX OUVRIERS, 1930.**

Attendu que le Comité des Etats dit " The States Insurance Authority " ayant l'administration de la Loi ayant rapport à la Compensation pour Accidents aux Ouvriers (1924) sanctionnée par Ordre de Sa Majesté en Conseil enregistré sur les Records de cette Ile le 17 novembre 1924 a fait des représentations aux Etats de cette Ile démontrant qu'il y a lieu d'améliorer et d'amplifier certaines des dispositions de la dite Loi qui ne répondent pas aux besoins qui se sont révélés dans l'expérience de l'opération de la dite Loi;

Attendu que les Etats par leur délibération en date du dix mai mil neuf cent vingt neuf ont adopté quelques unes des suggestions faites par le dit Comité, et ont prié la Cour Royale de préparer un Projet de Loi pour y donner effet ;

Attendu qu'il est expédient de rappeler la dite Loi de 1924 et aussi la loi intitulée " Loi supplémentaire à la Loi ayant rapport à la Compensation pour Accidents aux Ouvriers, 1924 " sanctionnée par un Ordre de Sa Majesté en Conseil enregistré

sur les Records de cette Ile le 16 janvier 1928, et d'incorporer dans une nouvelle loi les amendements adoptés, les articles qui ensuivent rédigés en anglais auront force de loi en cette Ile.

ARTICLE I.

Definitions.

1. In this law, unless the contrary intention appears :

(a) Words importing the masculine gender shall include females ; and

(b) Words in the singular shall include the plural, and words in the plural shall include the singular.

(c) " Worker " means any person who has attained the age below which he is obliged to attend school and whose usual earnings, excluding overtime, do not exceed £3 a week, and who has entered into or works under a contract of service or apprenticeship with an employer, whether by way of manual labour, clerical work or otherwise, and whether the contract is expressed or implied, is oral or in writing. An unpaid apprentice shall be a worker within the meaning of this definition. Board and lodging when reckoned as part of earnings shall be computed at not more than 15s. per week and Board only at not more than 10s. per week.

(d) " Dependents " means such members of the worker's family as were wholly or in part dependent upon the earnings of the worker at the time of his death or injury, or would, but for the incapacity due to the accident, have been so dependent, and where the worker, being the parent or grandparent of an illegitimate child, has or leaves such child so dependent upon his earnings, or being an illegitimate child, has or leaves a parent or grandparent so dependent upon his earnings, shall include such illegitimate child and parent or grandparent respectively.

The words "wholly or in part dependent" in this section mean dependent wholly or partially on contributions for the provision of the ordinary necessities of life suitable to the class and position of the person so dependent.

(e) "Member of family" means wife or husband-father, mother, grandfather, grandmother, step-father, stepmother, son, daughter, grandson, granddaughter, stepson, step-daughter, brother, sister, half-brother, half-sister, also orphan nephew, orphan niece, being in the custody of the worker. Also a child the custody of whom has been granted to and accepted by the worker. Provided that the name and age of such orphan nephew or niece or of such child shall have been declared to the Secretary before an accident giving rise to a claim is sustained by the worker.

(f) "The Militia" means the Royal Guernsey Militia or any other Force substituted therefor, and includes any military force raised and serving in the Island.

(g) "Employer" includes :—

- (i) Any body of persons corporate or unincorporate.
- (ii) The legal personal representative of a deceased employer.
- (iii) The person with whom a worker has entered into a contract of service or apprenticeship and who temporarily lends or lets on hire to another person the services of such worker. Such former person shall, for the purposes of this law, be deemed to continue to be the employer of the worker whilst he is working for that other person, and
- (iv) The representative or agent in this Island for the purposes of this law of an employer not residing therein.

ARTICLE II.

Compulsory Insurance.

The insurance in accordance with the provisions of this law of all workers as defined in Section (c) of the definitions against incapacity resulting from death or personal injury to provide for themselves and their dependants shall be compulsory.

ARTICLE III.

States Insurance Authority.

1.—The control and management of the States Insurance Scheme shall be entrusted to a Committee of 6 members called "The States Insurance Authority." Such Committee shall be elected by the States but with the exception of the President not necessarily from among the members of the States, provided that two such members shall be workers and shall be compensated by the States for the time spent by them respectively in the performance of their duties under this law.

2.—The members of the States Insurance Authority shall be elected for a term of three years and shall be eligible for re-election. Provided, as to this and the preceding section, that the members of the States Insurance Authority constituted under the former law entitled "Loi ayant rapport à la Compensation pour Accidents aux Ouvriers, 1924" and holding office at the commencement of this law shall continue in office as members of and constituting the States Insurance Authority under this law subject to the conditions of retirement and eligibility for re-election by which they were severally affected under the said former law.

3.—The secretary to the States Insurance Authority shall be appointed by the States Appointments

Board at such salary as the States may decide, and the States Insurance Authority shall confer on him such powers of settling uncontentious claims as they may think fit.

4.—The States Insurance Authority shall keep statistics of accidents for which benefits have been paid, giving all particulars that may be considered useful for the more exact assessment of risks.

ARTICLE IV.

Employers.

1.—In the case of all employed workers, the employer shall be responsible for affixing a stamp specially prepared for the purpose at the rate of 3*d.* per week for every male and 1½*d.* per week for every female on a card provided by the States Insurance Authority, at the rate of one stamp for every week of employment.

2.—In the case of part-time employment the first employer of the week shall affix the stamp of 3*d.* for a male worker and 1½*d.* for a female worker in such manner as may be directed by the States Insurance Authority, unless the period for which he is responsible is already covered by the affixing of a stamp under sections 1 and 2 of Article VII.

When affixing the stamp and in paying the wages the first employer shall be entitled to recover from the worker the proportion of the contribution in respect of that part of the week in which he is not the employer as near as it is possible, and the worker shall be entitled to recover from his other employers of the week the proportion of the contribution due by them respectively.

3.—An employer failing to affix the necessary stamp to the worker's card each week shall, on conviction, be liable to a fine not exceeding £5.

4.—When an employer engages a new worker he

shall satisfy himself that the proposed employee's card is completely stamped up-to-date. If an employer employ a worker whose card is not stamped up-to-date, he shall be liable on conviction to a fine not exceeding £1.

5.—Any person engaging a worker for a period not exceeding four hours in the same day, other than a worker engaged in loading or unloading a vessel, shall not be held to be an employer of that worker within the meaning of this law.

ARTICLE V.

Workers.

1.—A worker's contribution shall be at the rate of one penny per week for males and a halfpenny per week for females, and his employer shall be entitled to deduct that amount from his wages.

2.—The value of the stamp to be affixed to the card of a worker by the worker when unemployed shall be at the rate of 3*d.* per week for a male and 1½*d.* per week for a female during the period of unemployment. Provided that a States Committee appointed to provide or obtain employment for unemployed workers shall have power to stamp the card of an unemployed worker whose name is registered with such Committee.

3.—Any person, other than a worker engaged in loading or unloading a vessel, not undertaking service for any one employer for a longer period than four hours in the same day, shall not be held to be an employed worker within the meaning of this law.

ARTICLE VI.

Adhesive Stamps.

Adhesive stamps affixed to cards shall be cancelled by the person affixing the same by writing with ink

or indelible pencil or by the impression of an inked stamping implement. Such person, if he shall omit or neglect so to do, shall be liable on conviction to a fine not exceeding £1.

ARTICLE VII.

Prepaid Cards.

1.—The States Insurance Authority may issue cards prepaid by means of embossed stamps for such periods as may seem convenient to the said Authority.

2.—A worker who has provided himself with a prepaid card shall be entitled to receive from his employer, in addition to his wages, the proportion of the insurance premium that would have been the share of his employer if the prepaid card had not been obtained.

ARTICLE VIII.

Voluntary Insurance.

Any person resident in Guernsey who has attained the age below which he is obliged to attend school and whose usual earnings do not exceed £6 a week, and who is wholly or mainly dependent for his livelihood on the earnings derived from his occupation may (even if he does not undertake work for another) voluntarily insure by obtaining from the States Insurance Authority a prepaid card, stamped for such period as the States Insurance Authority may by regulation provide, to the amount per week for which he and his employer together would have been responsible had he been a worker as defined by this law, and such person shall be deemed a worker for the purposes of this law, as expressed in the Articles hereinafter following.

ARTICLE IX.

Cards, General Regulations.

The States Insurance Authority may at any time and from time to time prepare regulations governing the issue of new cards, the return and renewal of cards, the particulars to be inscribed on cards, the replacement of lost cards and providing against cards being obtained under false names and by false pretences and other matters of the like nature. Regulations so prepared shall have no effect until they have been submitted to and received the approval of the Royal Court and on receiving such approval they shall have effect as Ordinances of the Royal Court. The Royal Court may modify, amend and repeal such regulations and may prescribe penalties for their enforcement.

ARTICLE X.

States Contribution.

The States shall contribute one penny per male worker and one halfpenny per female worker per week to the funds of the States Insurance Authority.

ARTICLE XI.

Fixing and Revision of Premiums.

The States Insurance Authority shall review and may alter the premiums every five years and may do so at any other time. Every such alteration shall be submitted to the States and shall have effect when sanctioned by the States and not otherwise.

ARTICLE XII.

The liabilities to be charged to any year shall include :—

- (a) The benefits paid in respect of accidents which have happened during that year.

- (b) The benefits which it is estimated will be payable in subsequent years in respect of accidents which have happened during that year.
- (c) The cost of administration and other expenses incurred under the provisions of this law.

ARTICLE XIII.

A valuation of the assets and liabilities of the States Insurance Authority shall be made at the 31st December, 1930, and at the expiration of every three years thereafter and at shorter intervals if so directed by the Royal Court. Every such valuation shall be made by a valuer to be appointed by the Royal Court. If upon any such valuation a deficiency or surplus is found, such deficiency or surplus shall be reported by the States Insurance Authority to the States, who shall have power to deal with the same.

ARTICLE XIV.

States Guarantee.

If at any time the funds at the disposal of the States Insurance Authority are insufficient to meet its liabilities, the States shall furnish such amounts as may be required from time to time by the States Insurance Authority to enable it to meet such liabilities.

ARTICLE XV.

Conditions for Payment of Benefits.

1.—Benefits shall be given for accidents occurring at any time and in any manner, unless it be proved to the satisfaction of the States Insurance Authority that the injury to the worker was attributable to the serious and wilful misconduct or drunkenness of that

worker or to such negligence on his part as to cause danger to himself or others in which cases or any of them any benefits claimed in respect of that injury may, at the discretion of the States Insurance Authority, be disallowed in whole or in part.

2.—Benefits shall not be payable for the first three days of incapacity.

3.—Benefits under this law for accidents happening to workers in places outside the Bailiwick shall only be payable if the card of the worker in question (except if it be a prepaid embossed card) was deposited in the Island before the time of the happening of the accident with his employer or with the States Insurance Authority or with a person authorised by the States Insurance Authority to receive such cards.

4.—Where benefits have been awarded to a worker or to dependants of a worker on account of injury or death resulting from accident, and it is found that no card has been issued to such worker for the period current at the time of the accident or that his card was not fully stamped up to the time of the happening of the accident, the States Insurance Authority may take proceedings against the person responsible for the stamping of such worker's card or of the portion of the card unstamped as the case may be, or against his legal personal representative, and shall be entitled to recover twenty-five shillings for every week for which the insurance was omitted and any costs incurred in such recovery.

5.—Notice of a claim for benefits for an injury shall be given as soon as practicable and not later than fourteen days after the happening of the accident, or, in the case of death, within fourteen days from the time of death. Provided always that the want of or any defect or inaccuracy in such notice shall not be a bar to the maintenance of such claim if it is found in the proceedings for settling the claim that the States Insurance Authority is not, or would not, if a notice or an amended notice were then

given and the hearing postponed, be prejudiced by the want, defect or inaccuracy, or that such want, defect or inaccuracy was occasioned by mistake, absence from the Island, or other reasonable cause.

6.—Claims for benefits in respect of injury under this law shall be made on forms of notice to be provided free of cost by the States Insurance Authority and shall contain such information as the States Insurance Authority may think necessary for the proper verification of claims. A receipt shall be given to the person registering the claim.

7.—The notice shall be accompanied by a certificate from a legally qualified medical practitioner stating the nature of the injury and that the injury of which notice is being given, is such as to prevent the worker wholly or partially from working at his occupation, and the probable duration of the incapacity.

8.—When it appears to the medical practitioner in charge of a worker who is drawing benefits under this law, that his patient is sufficiently recovered to be capable of undertaking work again either wholly or partially, it shall be his duty to forward to the States Insurance Authority a certificate to that effect upon the form prescribed by the States Insurance Authority.

9.—When a worker has been injured by an accident and a legally qualified medical practitioner has attended him, the fee for the first attendance by the said practitioner shall be paid by the States Insurance Authority, provided that such attendance has taken place within twenty-four hours of the occurrence of the accident.

10.—There shall be an appeal on all points of law from the decision of the States Insurance Authority to the Royal Court sitting as a Full Court.

11.—Notwithstanding anything in this Article contained, benefits may at the discretion of the States Insurance Authority be withheld in cases

where an unemployed worker's card or the card of a voluntary insured worker is not stamped up-to-date at the time of an accident.

ARTICLE XVI.

Benefits.

1.—The States Insurance Authority shall pay the benefits to the persons and up to the amounts set forth in this article.

Where the person entitled to the benefit is a minor or person under Guardianship, such payment shall be made to the legal guardian for the use of such person, or, in the case of a minor having no guardian, to the person for the time being having the custody of such minor for the use of such minor and the receipt of the guardian or of the person having such custody as the case may be, shall be a sufficient discharge.

(a) *Where Death results from the Accident :*

Reasonable funeral expenses not exceeding ten pounds.

(b) *Where Death results from the Accident :*

Surviving dependants of the deceased worker shall be entitled to receive from the States Insurance Authority the sums provided in this sub-section.

(i) *If Wife :* Fourteen shillings a week till death or re-marriage.

(ii) *If Husband :* Fourteen shillings a week till death or until he is able to support himself.

(iii) *If Wife or Husband and Child or Children under Fifteen Years of Age survive :* In addition to the sum provided in (i) or (ii) seven shillings per week in respect of one such child being the only such child, thirteen shillings per week in respect of two such children, eighteen shillings per

week in respect of three such children, and twenty-two shillings per week in respect of four or more such children. Maximum benefits thirty-six shillings per week.

Provided that further benefit not exceeding an additional year's benefit may be granted in respect of any such child where, in the opinion of the States Insurance Authority, it is expedient to do so in the interest of such child.

Provided also that in the event of the death of such surviving husband or wife as the case may be whilst there is a child living under fifteen years of age, sub-section (b) (iv) shall apply from the date of such death instead of this sub-section.

- (iv) *If Child or Children only survive:* In respect of surviving child or children under fifteen years of age there shall be paid fourteen shillings per week in respect of one such child being the only such child, twenty-one shillings per week in respect of two such children, twenty-seven shillings per week in respect of three such children, thirty-two shillings per week in respect of four such children and thirty-six shillings per week in respect of five or more such children. Maximum benefits thirty-six shillings per week.

Provided that further benefit not exceeding an additional year's benefit may be granted in respect of any such child where, in the opinion of the States Insurance Authority, it is expedient to do so in the interest of such child.

- (v) *On Re-marriage,* a widow shall receive a lump sum of seventy-three pounds, and thereupon all payments to her in respect of benefits for herself shall cease.

- (c) *Where total Disablement results from the Accident*: Fourteen shillings a week during such disablement. If the injured worker has a wife, a husband, or children under fifteen years of age dependent on his or her earnings, the following sums shall also be paid to the injured worker: four shillings a week for one such dependent, eight shillings a week for two, twelve shillings a week for three, sixteen shillings a week for four or more. When any child reaches the age of fifteen the benefits shall cease in respect of such child.

Provided that further benefits not exceeding an additional year's benefits may be granted in respect of any child, where in the opinion of the States Insurance Authority, it is expedient to do so in the interest of such child.

- (d) *Where partial Disablement results from the Accident*: A weekly sum shall be paid to the worker by way of benefit, but such sum shall not in any case exceed the difference between the amount of the average weekly earnings of the worker before the accident and the usual weekly amount which he is earning or is able to earn in some suitable employment or business after the accident, but it shall bear such relation to the amount of that difference as in the circumstances of the case may appear proper to the States Insurance Authority. Provided, however, that the benefits awarded shall not exceed the benefit that would have been awarded if the disablement had been total.
- (e) *Other Dependants*: When the benefits granted to the worker and dependants or to dependants alone under the preceding provisions of this Article do not amount to twenty-five shillings per week or when a worker has died as the result of an injury, leaving neither wife, husband nor children under fifteen years of age,

benefits may be granted at the discretion of the States Insurance Authority to other dependants according to the degree of their dependance, provided that the total weekly benefit does not exceed the maximum of twenty-five shillings laid down in Section 10 of this Article.

- (f) Subject to the provisions of Section 10 of this Article, benefits may at the discretion of the States Insurance Authority be paid in respect of children over fifteen years of age who were dependent on a worker and who were and are in a state of mental or physical incapacity and continue in a state of dependancy by reason thereof.

2.—The States Insurance Authority may at any time make such directions as to the mode of payment of benefits as in their opinion will ensure the proper expenditure of the same.

3.—The States Insurance Authority may by agreement wholly or partly commute the benefits awarded by the payment of a lump sum when such a course shall appear to them advisable.

4.—When there are both total and partial dependants nothing in this Article shall be construed as preventing the benefits being allotted partly to the total and partly to the partial dependants, at the discretion of the States Insurance Authority.

5.—If a worker receiving weekly payment ceases to reside in the Island, he shall thereupon cease to be entitled to receive any weekly payment, unless the medical referee certifies that the incapacity resulting from the injury is likely to be of a permanent nature. If the medical referee so certifies, the worker shall be entitled to receive quarterly the amount of the weekly payments accruing due during the preceding quarter so long as he proves, in such manner and at such intervals as may be prescribed by the States Insurance Authority, his identity and the continuance of the incapacity in respect of which the benefits are payable.

6.—A worker while drawing benefits shall continue to pay his insurance contribution and he shall, when drawing benefits, present, or cause to be presented, his card, fully stamped up to the end of the week in respect of which benefits are to be drawn. Provided that in cases of total and permanent disablement, or when the injured worker has ceased to reside in the Island and in consequence would no longer be subject to the provisions of this law if he were not drawing benefits, the provisions of this clause shall not apply.

7.—Benefits awarded in the form of weekly payments to or in respect of an injured worker may be reviewed at the instance of either the States Insurance Authority or of such worker, and on such review may be ended, diminished, or increased, within the limits provided by the appropriate section of this Article.

Provided that, where the worker was at the time of the accident under twenty-one years of age, and the review takes place more than twelve months after the accident, the amount of the weekly payment may be increased to any amount not exceeding the wages which the worker would probably have been earning at the date of the review if he had remained uninjured but not exceeding the maximum provided for in Section 10 of this Article.

8.—When an insured person has received, or is entitled to receive, whether from his employer or any other person (other than a Friendly Society or Insurance Agency), any compensation, or damages for an accident, the following provisions shall apply :

(a) No benefits shall be paid under this law in respect of that accident when the weekly sum payable by way of such compensation, or damages or the weekly equivalent of a lump sum so paid or payable is equal to or greater than the weekly wages earned at the time of the accident, and

(b) When such weekly sum or weekly equivalent is

less than the said wages only such parts of the benefits due under this law shall be paid as, together with the weekly sum or weekly equivalent above-mentioned, will be equal to the said wages.

9.—Benefits awarded shall not be capable of being assigned, charged or attached, and shall not pass to any other person by operation of law, nor shall any claim be set off against the same.

10.—Notwithstanding anything in this Article contained, the total benefits payable in respect of any worker shall not exceed twenty-five shillings per week, except as provided in Section 1 (b) (iii), Section 1 (b) (iv) and section 1 (c) of this Article.

11.—In the event of a considerable variation in the cost of living the States Insurance Authority may, with the sanction of the Royal Court, vary the amount of benefits payable under this Article, but so that such variation whether by increase or reduction shall not exceed one shilling per week in respect of each person entitled to benefits.

ARTICLE XVII.

Medical Benefits.

1.—The States Insurance Authority shall be empowered to pay for medical attendance to injured workers at its discretion.

2.—Where there is reason to believe that perfect or partial recovery of capability to work by an injured worker can only be obtained by special measures, the States Insurance Authority may direct that he be sent to hospital, and may provide apparatus and means, and defray the expenses necessary for the treatment of the case.

3.—An injured worker who is living with his wife or family may only be sent to a hospital by his own consent, unless the injury is of such a nature that the

necessary treatment would make home-nursing impossible or very difficult.

4.—Where an injured worker refuses, without sufficient reason, to submit to the treatment recommended by the Medical attendant, the States Insurance Authority may, at its discretion, withhold the whole or part of the benefits granted, provided :—

- (a) that he be warned of the result of his refusal ;
- (b) that it be explained to him that his capability to work may be adversely affected by his refusal.

5.—While an injured worker is in hospital at the expense of the States Insurance Authority, accident benefit will not be payable to him, but benefits will be payable to his dependants to the amount that would have been due to them if such worker had died as the result of the accident which occasioned his injury.

ARTICLE XVIII.

Medical Examinations.

1.—Where a worker has given notice of an accident he shall, if so required by the States Insurance Authority, submit himself for examination by a duly qualified Medical Practitioner provided and paid by the States Insurance Authority, and, if he refuses to submit himself to such examination, or in any way obstructs or delays the same, his right to benefits shall be suspended until such examination has taken place, and if his incapacity to work should be increased or prolonged by such refusal, obstruction or delay, the benefits may be reduced accordingly.

2.—Any worker receiving weekly payments under this law shall, if so required by the States Insurance Authority, from time to time submit himself for examination by a duly qualified Medical Practitioner provided and paid by the States Insurance Authority.

If the worker refuses to submit himself for such examination, or in any way obstructs the same, his rights to such weekly payments shall be suspended until such examination has taken place.

3.—Where a worker has submitted himself for examination by a Medical Practitioner, as provided under Sections 1 and 2 of this Article, and is not satisfied with the report of the said Medical Practitioner, he may, on payment of such fee not exceeding twenty-one shillings as may be prescribed, refer the matter to a Medical Referee.

4.—The Medical Referee to whom the matter is so referred shall, in accordance with the regulations made by the States Insurance Authority, give a certificate as to the condition of the worker and his fitness for employment, specifying, where necessary the kind of employment for which he is fit, and that certificate shall be conclusive evidence as to the matter so certified.

5.—When a case has been submitted to a Medical Referee, as provided in Section 3 of this Article, and the report of the said Medical Referee upholds the objection of the worker, the fee paid by the worker to the Medical Referee shall be refunded to the worker by the States Insurance Authority.

6.—Where under this Article a right to benefits is suspended no benefits shall be payable in respect of the period of suspension.

ARTICLE XIX

Medical Practitioners and Referees.

1.—The States Insurance Authority shall appoint such legally qualified Medical Practitioners to be Medical Referees for the purposes of this law as it may determine.

2.—Where a Medical Referee has been employed as a Medical Practitioner by or on behalf of the

injured worker, he shall not act as Medical Referee in that case.

3.—The States Insurance Authority shall pay such fees to the Medical Referees and Practitioners serving under this law as may be agreed on.

4.—The remuneration of, and other expenses incurred by, Medical Referees and Practitioners shall be paid out of the funds obtained by the provisions of this law.

ARTICLE XX.

Remedies both against States and others.

1.—Where an injury for which benefits are payable under this law is caused to a worker in circumstances creating a legal liability in any person to pay damages for such injury, the right of such worker or his legal personal representative to take proceedings against such person for damages shall remain unaffected by this law except as provided in this Article.

2.—If such worker or his legal personal representative takes such proceedings he shall at the same time notify the States Insurance Authority thereof under penalty of forfeiture at the discretion of such Authority of further benefits under this law in respect of such injury and the States Insurance Authority may appear before the Court as a party having an interest and may make representations to the Court at every stage thereof. If such worker or his legal personal representative shall decline to take such proceedings or having taken them shall be negligent or commit default in the conduct thereof the States Insurance Authority may apply to the Court for permission to take or continue such proceedings as the case may be, in right of such worker or his legal personal representative, and the Court may make such order as shall seem just in the circumstances. Any amount recovered by the States Insurance Authority by

virtue of such proceedings shall be applied in the same manner as an amount recovered under the provisions of Section 3 of this Article.

3.—The right of recovery on a judgment awarding damages in any proceedings as aforesaid and the right to receive any amount tendered and accepted before judgment in settlement of the claim shall as to such amount as may be awarded in respect of personal injury and loss consequential thereto vest in the States Insurance Authority as legal assignee whether such Authority was a party to such proceedings or not, and the amount so recovered shall be received and held by the States Insurance Authority as a Trustee for the following uses as far as the same may suffice :

- (1) To pay therefrom all legal expenses incurred by the plaintiff in the prosecution and recovery of the claim for damages.
- (2) To recover therefrom all benefits paid and future benefits in respect of such injury as and when the same shall be paid.
- (3) On the cessation of payment of benefits, to pay the balance, if any, to such worker or to his legal personal representative.

Provided that where in the opinion of the States Insurance Authority the amount of damages so recovered is in excess of the total benefits payable, such Authority may at its discretion make grants from time to time therefrom to such worker or his dependants during the time that the benefits under this law are being paid.

Provided also that where such worker has by declaration in writing made to the States Insurance Authority renounced his claim to benefits under this law before any payment has been made in respect thereof the provisions of this section and of the preceding section shall not apply.

4.—Where such proceedings have been taken with the approval of the States Insurance Authority and

the judgment thereon has been given in favour of the defendant, the States Insurance Authority may at its discretion grant in addition to benefits under this law an amount in payment in whole or part of the costs for which the plaintiff is liable in respect of such proceedings.

ARTICLE XXI.

Exemptions.

A worker who proves to the satisfaction of the States Insurance Authority :—

- (a) That he is in receipt of unearned income, secured to his dependants in case of his death at a rate not less than the maximum rate of benefits he could obtain under this law for total permanent disablement or that his dependants could obtain in case of his death caused by an accident, or
- (b) That, being a stranger, he is subject by the law of his country to compulsory insurance against his incapacity resulting from death or personal injury, that such insurance is in force during the period of his residence in Guernsey, and that such insurance secures to him and his dependants benefits not less in amount than the benefits which would be paid under this law in the event of such death or incapacity and if he and his dependants resided in Guernsey or,
- (c) That he is working solely for his father or his mother and that in the event of his incapacity resulting from death or personal injury the person so employing him will be able to provide for such worker and his dependants compensation not less than the compensation which would be payable in benefits under this law and also, if he is a minor, that the person so employing him desires his exemption,

may obtain from the States Insurance Authority an exemption card and effective for such period as the States Insurance Authority shall determine and inscribe thereon, and during the validity of the said exemption card shall not be held to be subject to the provisions of this law.

ARTICLE XXII.

Crown Employees.

Persons in the naval or military service of the Crown other than the Militia, and such persons employed by or under the Crown who are paid out of moneys provided by the Imperial Parliament and entitled to sick pay from such funds shall not be considered workers within the meaning of this law.

ARTICLE XXIII.

Militia.

This law shall apply during the training in peace time of the Militia to workers actually serving therein, and the States shall be deemed for the purposes of this law to be the employers of such workers.

ARTICLE XXIV.

Limitation of States Liability in War Time.

The States Insurance Authority shall not be liable to pay any benefits under this law to a worker in respect of any injury.

- (a) caused through the action of the King's enemies in time of war ;
- (b) received in time of war in the course of his duty while serving in the Militia.

ARTICLE XXV.

Fishermen and Seafaring Persons.

1.—This law shall apply to fishermen and other seafaring persons, provided that :—

- (a) They are workers within the meaning of this law.
- (b) The employer or his agent is within the jurisdiction of the Island for the purposes of this law as regards the payment of premiums.
- (c) They are not entitled to compensation under the Workmen's Compensation Act, 1906, or similar Act of the United Kingdom or of any other country.

2.—The cards must be fully stamped in advance and kept in the owner's or agent's office in Guernsey, except in the case of vessels whose absence is not intended to exceed seven days.

ARTICLE XXVI.

Strangers.

Strangers shall be entitled to benefit under this law subject to the following modifications :—

1.—The benefits awarded shall be reduced by one quarter.

2.—The benefits awarded shall only be payable as long as the injured person continues to reside in the Island. If he ceases to reside in the Island he shall be entitled to receive in cases of permanent disablement only, a lump sum equal to three times the amount of his annual benefits or to the capital value of his benefits, whichever shall be the smaller, in full settlement of his claim.

3.—The dependants of a stranger shall not be entitled to benefits if they were not ordinarily residing in the Island at the time of the accident.

4.—Benefits awarded to the dependants of a stranger, who are also strangers themselves, shall only be payable as long as they are resident in the Island.

5.—With respect to any benefits awarded under this Article the States Insurance Authority shall at any time be entitled to pay in full settlement three times the annual benefits awarded or the capital value of the benefits, whichever shall be the smaller, in full settlement.

6.—A stranger, whose principal place of residence has been in Guernsey during the greater part of each of five consecutive years preceeding the happening of an accident in respect of which benefits are claimed, shall not be held to be a stranger for the purpose of this Article of this law ; nevertheless his dependants, unless they were ordinarily residing in the Island at the time of the accident, shall not be affected by the provisions of this clause of this Article.

7.—The limitations provided for under this Article in respect of strangers shall not apply to British subjects who are injured by accident during the course of their employment or to subjects injured under similar circumstances of those States which extend to foreign workmen the same privileges as those enjoyed by their own subjects in respect of such injuries.

ARTICLE XXVII.

Requirements of Law to be Posted in Business Premises.

Where a business is carried on and more than three workers are employed in such business, there shall be kept continuously posted on the premises where such business is carried on, in some conspicuous place where it may be conveniently read by the persons employed, a summary in such form as may be prescribed by the States Insurance Authority, of the

requirements of this law with respect to the giving notice of accidents and the making of claims, and in the event of such summary being effaced, obliterated or destroyed, it shall be renewed with all reasonable despatch.

Any person who contravenes the provisions of this Article shall be liable on conviction to a fine not exceeding one pound at the discretion of the Court.

ARTICLE XXVIII.

The Secretary or other person duly authorised thereto by him shall have power to enter during ordinary business hours on private property other than a private dwelling where workers are employed including property occupied for the purposes of any business or undertaking in which one or more workers are employed, in order to :—

- (a) investigate the causes which led to an accident to a worker, or
- (b) to demand production of and to inspect wage sheets, pay rolls and other records of wages paid to workers and to make interrogations concerning the same to ensure that the law is being observed in respect of such workers.

Any person who shall obstruct or resist the Secretary or other authorised person in the execution of his powers or shall wilfully or knowingly suppress or withhold information or make false statements when lawfully interrogated concerning the said particulars, shall be liable on conviction to a fine not exceeding £5 at the discretion of the Court.

ARTICLE XXIX.

The fines shall be applicable half to His Majesty and half to the informer.

ARTICLE XXX.

The Royal Court is authorised to pass such Ordinances as may be deemed necessary to give effect to this law.

ARTICLE XXXI.

The law intituled "Loi ayant rapport à la Compensation pour Accidents aux Ouvriers, 1924," and the law intituled "Loi supplémentaire à la Loi ayant rapport à la Compensation pour Accidents aux Ouvriers, 1924," which was sanctioned by an Order of His Majesty in Council registered on the sixteenth day of January, 1928, are hereby repealed.

Provided that the provisions of the said laws shall continue to have effect in respect of any infringement thereof committed before this law comes into operation.

ARTICLE XXXII.

This law may be cited as "The Worker's Insurance Law, 1930."

ARTICLE XXXIII.

This law shall come into force on the day of the registration of the Order of His Majesty in Council sanctioning the same.

QUERTIER LE PELLEY,
Greffier du Roi.