

# ORDRE EN CONSEIL

Ratifiant un Projet de Loi intitulé

Loi ayant rapport à la Compensation  
pour Accidents aux Ouvriers, 1924.

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(Enregistré sur les Records de l'Île de Guernesey le  
17 novembre 1924).



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1924.

XIV.  
1924.

## ORDRE EN CONSEIL.



À LA COUR ROYALE DE L'ÎLE DE GUERNESEY.

*Le 17 novembre 1924, pardevant Messire Havilland  
Walter de Saumarez, Chevalier, Baillif; présents:  
George Edward Kinnersly, Adolphus John Hocart,  
John Leale, Thomas William Mansell de Guérin,  
William de Prélaz Crousaz, John Ernest Dorey,  
Richard Francis McCrea, Osmond Priaulx Gal-  
lienne et Arthur Dorey, écuyers, jurés.*

Monsieur le Baillif ayant ce jour communiqué à la Cour un Ordre de Sa Majesté en Conseil en date du 9 octobre 1924, ratifiant un Projet de Loi intitulé "Loi ayant rapport à la Compensation pour Accidents aux Ouvriers, 1924,"

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

**At the Court at Buckingham Palace,**

The 9th day of October, 1924.

**Present,**

**The King's Most Excellent Majesty**

LORD COLEBROOKE.

LORD THOMSON.

MR. SECRETARY HENDERSON.

MR. C. P. TREVELYAN.

**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 12th day of September, 1924, in the words following, viz. :—

LE 17 NOVEMBRE 1924.

“**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 on the 22nd May, 1912, the States of Deliberation, consequent upon a Petition submitted to them by several of their number, adopted the principle of compulsory insurance of workmen against accidents, and appointed a Committee to study the questions raised in the said Petition and to report thereon to the States :
- (2) That on the 11th and 18th March, 1914, the States duly considered the recommendations contained in the Report of their Committee, and passed a resolution referring the Report back to the Committee with instructions to consider the advisability of amending it ;
- (3) That on the 30th June, 1915, the Committee presented an amended Report to the States, when a resolution was passed postponing the consideration thereof and requesting the President to submit the same again to the States after the termination of the Great War :
- (4) That on the 11th February, 1920, the amended Report of the Committee was again submitted to the States, when a resolution was passed whereby the States, before pronouncing themselves on the adoption of the principles of the said Report, requested the Committee to obtain statistics and to consult experts on the financial aspect of the scheme, and to report thereon to the States :
- (5) That on the 9th June, 1920, the Committee, in accordance with the resolution of the States of the 11th February, 1920, submitted their third amended Report to the States, when a resolution was passed adopting the scheme attached thereto, and requesting the Royal

Court to prepare a Bill or *Projet de Loi* on the subject, with a proviso that the same shall be in force for five years only, as an experiment : (6) That on the 20th April, 1921, the Bailiff received a communication from the Home Department, requesting that the draft Bill be submitted to Your Majesty's Treasury before presenting it to the States. This request was duly complied with, and on the 18th August, 1921, the Home Department submitted their observations on the said draft for the consideration of the Royal Court. These observations were duly communicated to the Law Officers of the Crown and to the States Committee, both of whom recommended several of the modifications suggested by the Home Department, which modifications were duly adopted by the Royal Court : (7) That on the 31st July, 1922, the Lieutenant-Bailiff forwarded the amended draft Bill for the consideration of the Secretary of State, and on the 5th March, 1923, fresh observations thereon were submitted by the Secretary of State for the consideration of the Royal Court : (8) That on the 20th April, 1923, the matter was duly submitted to the States, when a resolution was passed requesting the Committee to report as soon as possible upon the questions raised in the last-mentioned observations : (9) That on the 14th November, 1923, the Report of the Committee was duly considered by the States, when a resolution was passed adopting the recommendations contained in the said Report, and requesting the Royal Court to embody the same in the Bill or *Projet de Loi* intituled '*Loi ayant rapport à la Compensation pour Accidents aux Ouvriers*' : (10) That on the 16th February, 1924, the Royal Court adopted an amended

Bill or Projet de Loi, prepared by the Law Officers of the Crown in accordance with the resolution of the States of the 14th November, 1923, and requested the Bailiff to submit the same to the States for their approval: (11) That on the 12th March, 1924, the said Bill or Projet de Loi was submitted to the States, when that body, in order to consider the same, resolved to form itself into a Committee of the House: (12) That on the 9th April 1924, the Report of the States sitting in Committee, was submitted to the States of Deliberation, when a resolution was passed approving the said Bill or Projet de Loi with slight modifications. The proviso that the same shall be in force for a term of five years was deleted inasmuch as an amendment requiring a report at the end of three years on that part of the Bill which provides for insurance out of working hours had been introduced. The States further requested the President to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto: (13) That on the 25th April, 1924, the said Bill or Projet de Loi was duly forwarded for Your Majesty's Royal Sanction: (14) That on the 6th June, 1924, the Secretary of State suggested further amendments to the said Bill or Projet de Loi, which were duly submitted to the States on the 30th July, 1924, when a resolution was passed approving the same: (15) That the said Bill or Projet de Loi is intituled 'Loi ayant rapport à la Compensation pour Accidents aux Ouvriers, 1924,' and is in the words and figures set forth in the amended Schedule to the Petition: And most humbly praying that Your Majesty would be graciously pleased to ratify and confirm the Bill

or *Projet de Loi* of the States of Guernsey intituled '*Loi ayant rapport à la Compensation pour Accidents aux Ouvriers, 1924,*' and to order and direct that the said Bill or *Projet de Loi* shall have the force of Law in the Island of Guernsey two months from the date of the registration on the Records of this Island of the Order of Your Majesty in Council sanctioning the same.

**"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, as from the expiration of two months from the registration of this Order 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 COMPENSATION  
POUR ACCIDENTS AUX OUVRIERS, 1924.**

Attendu que les États par leur délibération en date un Neuf Juin Mil neuf cent vingt ont adopté le principe de Compensation pour Accidents aux Ouvriers.

Afin de donner effet à la dite délibération des États à ce sujet les Articles qui ensuivent redigés en Anglais auront force de Loi en cette Ile.

**ARTICLE I.**

**DEFINITIONS.**

1.—In this law the masculine will include the feminine, and the singular the plural, unless the context requires otherwise.

2.—" 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 is in writing.

3.—" Dependants " 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 neces-

saries of life suitable to the class and position of the person so dependent.

4.—“ Member of Family ” means wife or husband, father, mother, grandfather, grandmother, step-father, step-mother, son, daughter, grandson, granddaughter, step-son, step-daughter, brother, sister, half-brother, half-sister.

5.—“ The Militia ” means the Royal Guernsey Militia or any other Force substituted therefor, and includes any military force raised and serving in the Island.

6.—“ Employer ” includes :—

- (a) Any body of persons corporate or unincorporate.
- (b) The legal personal representative of a deceased employer.
- (c) 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,
- (d) 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 2 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 entitled "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 be compensated by the States for loss of time.

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 that at the end of the second year subsequent to the first election after this law comes into force, three members shall retire.

3.—The States Insurance Authority shall appoint a Secretary with such powers of settling uncontentious claims as they may think fit to confer on him, and at such salary as the States may consider suitable.

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 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 each employer shall affix a stamp of the requisite value 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 Section 1 of this Article, or under Sections 1 and 2 of Article VI.

3.—An Employer paying a Worker without affixing the necessary stamp to the Worker's card, 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 when unemployed shall be at the rate of twopence per week for males and one penny per week for females during the period of unemployment.

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.

#### 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 VII.

#### 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.

#### ARTICLE VIII.

#### NEW CARDS.

A new card shall be issued to a worker by the States Insurance Authority in accordance with regulations to be drawn up by the said Authority and approved by the Royal Court.

#### ARTICLE IX.

#### 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 X.

#### FIXING AND REVISION OF PREMIUMS.

The States Insurance Authority shall revise the premiums every five years and may do so at any

other time with the sanction of the States, and shall submit the revised rates to the States for approval.

#### ARTICLE XI.

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 XII.

A valuation of the assets and liabilities of the States Insurance Authority shall be made by a valuer to be appointed by the Royal Court at the expiration of every three years dating from the coming into force of this law, and at shorter intervals if so directed 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 XIII.

##### 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 XIV.

##### CONDITIONS FOR PAYMENT OF BENEFITS.

1. Benefits shall be given for accidents taking place at any time and in any manner, unless it be

proved that the injury to the Worker is attributable to the serious and wilful misconduct or drunkenness of that Worker, in which cases 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 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 an injured Worker or to dependants of the victim of a fatal accident, and it is found that the card of the Worker in question 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 the portion of the card unstamped as above mentioned, 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. Notice in respect of an injury under this law shall give the name and address of the person injured, and shall state in ordinary language the cause of the injury and the date and hour and place at which the accident happened, and shall be delivered at the office of the States Insurance Authority, and a receipt obtained, or sent by post in a registered letter to the said office.

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 to the Royal Court sitting as a Full Court on all points of law from the decision of the States Insurance Authority.

11. Section 1 of this Article shall remain in force

for a term of three years only, at the expiration of which period it shall be again considered by the States of Deliberation.

## ARTICLE XV.

### 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 minor or person under guardianship and the receipt of the legal guardian 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 CHILDREN SURVIVE : In addition to the sum provided in (i) and (ii) four shillings a week for each child under fifteen years of age up to the number of four.

Provided that further benefits not exceeding an additional year's benefit may be granted in respect of any

dependant where in the opinion of the States Insurance Authority it is expedient to do so in the interest of such dependant.

Provided also that in the event of the death of 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 CHILDREN ONLY SURVIVE: Fourteen shillings a week for the eldest child under fifteen years and four shillings each in respect of each such additional child up to the number of five altogether, but the fourteen shillings a week shall continue to be paid so long as one child remains under fifteen years of age.

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

- (v) ON RE-MARRIAGE, a widow shall receive a lump sum of seventy-three pounds.
- (vi) OTHER DEPENDANTS: When the deceased Worker leaves neither wife, husband, nor children, or when the benefits granted to wife, husband, or children do not amount to twenty-five shillings per week, benefits may be granted at the discretion of the States Insurance Authority to other



dependants according to the degree of their dependence, provided that the total benefit does not exceed the maximum of twenty-five shillings laid down in section 10 of this Article.

- (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, four shillings a week for one such dependant, 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 dependant where, in the opinion of the States Insurance Authority, it is expedient to do so in the interests of such dependant.

- (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.

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 section 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 continuance of the incapacity in respect of which the weekly payment is payable.

6.—A worker while drawing benefits shall continue to pay his assurance 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 sub-

ject 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 compensation, damages or benefits is equal to or greater than the weekly wages earned at the time of the accident, and
- (b) When such weekly sum 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 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.

## ARTICLE XVI.

### 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.—An injured Worker must submit to all measures to be taken, according to medical judgment, for the recovery of his health, be it in hospital or no, provided, however, that he shall not be obliged to submit to operations, or to the administering of anæsthetics.

5.—Where an injured Worker refuses, without sufficient reason, to submit to the treatment referred to in Sections 2 and 4 of this Article, unless as in this Article excepted, 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.

6.—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 be due to them in the event of his death.

#### ARTICLE XVII.

##### 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 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 XVIII.

##### 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 XIX.

##### 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, such Worker or his legal per-

sonal representative may take proceedings against such person for damages, or he or his dependants may claim benefits from the States Insurance Authority.

2.—If the Worker or his legal personal representative takes such proceedings he shall notify the States Insurance Authority thereof, 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. In the event of negligence or default on the part of the Worker or his legal personal representative in the conduct of the proceedings the States Insurance Authority may apply to the Court for permission to continue the proceedings in right of the Worker or his legal personal representative, and the Court may make such order as shall seem just in the circumstances.

3.—If the Worker or his legal personal representative takes such proceedings and fails to obtain a judgment awarding damages he or his dependants shall be entitled to the same benefits from the States Insurance Authority as if he had claimed such benefits in the first instance.

4.—If the Worker or his legal personal representative takes such proceedings and obtains a judgment in his favour, the States Insurance Authority shall be liable to pay to such Worker or his dependants not more than the difference between the benefits he is entitled to under this law and the amount he is able to recover under such judgment.

5.—If the Worker or his dependants have claimed and the States Insurance Authority has paid benefits to him or them in respect of such accident such Worker or his legal personal representative shall be deemed to have assigned all his or their rights against the person liable to pay damages for such accident to the States Insurance Authority, and the States Insurance Authority shall be entitled to enforce such rights by legal proceedings and to the full benefit of any judgment it may obtain.

ARTICLE XX.  
EXEMPTIONS.

Any Worker able to prove to the satisfaction of the States Insurance Authority that he is in receipt of an income independently of his earnings, and secured to his dependants in case of his death, and not less than the maximum amount 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, may obtain from the State Insurance Authority an exemption card and thereafter, during the validity of the said exemption card, shall not be held to be subject to the provisions of this law.

ARTICLE XXI.  
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 XXII.  
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 XXIII.  
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 XXIV.

##### 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 XXV.

##### 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 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 preceding 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 XXVI.

#### 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 XXVII.

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

#### ARTICLE XXVIII.

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

#### ARTICLE XXIX.

This law shall come into force two months after the registration of the Order in Council sanctioning the same.

(Extrait des Registres),

QUERTIER LE PELLEY,  
Greffier du Roi.