

## WORKMEN'S COMPENSATION

### No. 6 of 1965

#### An Ordinance to amend the *Workmen's Compensation Ordinance 1951-1962*.

**Short title and citation.**

1.—(1.) This Ordinance may be cited as the *Workmen's Compensation Ordinance 1965*.\*

(2.) The *Workmen's Compensation Ordinance 1951-1962*† is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Workmen's Compensation Ordinance 1951-1965*.

**Commencement.**

2. This Ordinance shall come into operation on the twenty-eighth day after the date on which notice of its making is published in the *Gazette*.

**Interpretation.**

3. Section 6 of the Principal Ordinance is amended by omitting paragraph (b) of the definition of "workman" in sub-section (1.).

**Medical benefits.**

4. Section 11 of the Principal Ordinance is amended by omitting from sub-section (2.) the words "Three hundred and fifty pounds" and inserting in their stead the words "Five hundred pounds".

**Maximum compensation.**

5. Section 12 of the Principal Ordinance is amended by omitting from sub-section (1.) the words "Three thousand pounds" and inserting in their stead the words "Four thousand three hundred pounds".

\* Made on 8 May, 1965; notified in the *Commonwealth Gazette* on 13 May, 1965 and commenced on 11 June, 1965 (see section 2).

† Ordinance No. 2, 1951, as amended by No. 4, 1952; No. 12, 1954; No. 1, 1956; Nos. 12, 20 and 21, 1959; No. 8, 1961; and No. 10, 1962.

6. The First Schedule to the Principal Ordinance is **First Schedule.**  
amended—

(a) by omitting clause (i) of sub-paragraph (a) of paragraph 1 and inserting in its stead the following clause:—

“(i) if the workman leaves any dependants wholly dependent upon his earnings—the sum of Four thousand three hundred pounds and, in addition, in respect of each child under the age of sixteen years at the date of the death of the workman who was, at the date of the injury or the date of the death of the workman, wholly or mainly dependent upon the earnings of the workman, a weekly payment, from the date of the death, of the sum of One pound two shillings and six pence;”;

(b) by omitting from sub-paragraph (b) of paragraph 1 the words “Ten pounds” and inserting in their stead the words “Eleven pounds eleven shillings”;

(c) by omitting from clause (i) of sub-paragraph (b) of paragraph 1 the words “Two pounds ten shillings” and inserting in their stead the words “Two pounds fourteen shillings and sixpence”;

(d) by omitting from clause (i) of sub-paragraph (c) of paragraph 1 the words “Ten pounds” and inserting in their stead the words “Eleven pounds eleven shillings”;

(e) by omitting from clause (ii) of sub-paragraph (a) of paragraph 2 the words “Four hundred pounds” and inserting in their stead the words “Seven hundred pounds”;

(f) by omitting from clause (iii) of sub-paragraph (b) of paragraph 2 the words “Seven pounds five shillings” and inserting in their stead the words “Eight pounds thirteen shillings and three-pence”;

(g) by omitting from clause (iii) of sub-paragraph (b) of paragraph 2 the words “Ten pounds” and inserting in their stead the words “Eleven pounds eleven shillings”;

(h) by omitting from paragraph 6 the words “The payment in the case of death” and inserting in their stead the words “A payment in the case of death (including a payment under paragraph 9A of this Schedule)”;

(i) by inserting after paragraph 9 the following paragraph:—

“9A. A weekly payment referred to in clause (i) of sub-paragraph (a) of paragraph 1 of this Schedule ceases to be payable when the child—

- (a) attains the age of sixteen years;
- (b) marries; or
- (c) dies,

whichever event first occurs, and where such a weekly payment ceases to be payable and the aggregate amount of such weekly payments made in respect of the child is less than One hundred pounds, there is payable an additional amount of compensation equal to the difference between that aggregate amount and One hundred pounds.”;

(j) by inserting in paragraph 12, after the word “payment”, the words “(other than a weekly payment referred to in clause (i) of sub-paragraph (a) of paragraph 1 of this Schedule)”; and

(k) by inserting in paragraph 13, after the word “payment” (first occurring), the words “(other than a weekly payment referred to in clause (i) of sub-paragraph (a) of paragraph 1 of this Schedule)”.

Second  
Schedule.

7. The Second Schedule to the Principal Ordinance is repealed and the following Schedule inserted in its stead:—

SECOND SCHEDULE.  
COMPENSATION FOR SPECIFIED INJURIES

Section 10.

Nature of Injury	Amount Payable		
	£	s.	d.
Loss of both eyes .. .. .	4,300	0	0
Loss of an only useful eye, the other being blind or absent ..	4,300	0	0
Loss of one eye, with serious diminution of the sight of the other ..	3,225	0	0
Loss of one eye .. .. .	1,720	0	0
Loss of hearing .. .. .	3,010	0	0
Complete deafness of one ear .. .. .	860	0	0
Loss of both hands .. .. .	4,300	0	0
Loss of right arm or greater part of right arm .. .. .	3,440	0	0
Loss of left arm or greater part of left arm .. .. .	3,096	0	0
Loss of lower part of right arm, right hand or five fingers of right hand ..	3,010	0	0
Loss of lower part of left arm, left hand or five fingers of left hand ..	2,709	0	0
Loss of right thumb .. .. .	1,290	0	0
Loss of left thumb .. .. .	1,161	0	0
Loss of right forefinger .. .. .	860	0	0
Loss of left forefinger .. .. .	774	0	0
Loss of right middle finger .. .. .	688	0	0
Loss of left middle finger .. .. .	645	0	0
Loss of right ring finger .. .. .	602	0	0
Loss of left ring finger .. .. .	559	0	0
Loss of right little finger .. .. .	559	0	0
Loss of left little finger .. .. .	516	0	0
Loss of total movement of joint of right thumb .. .. .	602	0	0
Loss of total movement of joint of left thumb .. .. .	559	0	0
Loss of distal phalanx or joint of right thumb .. .. .	688	0	0
Loss of distal phalanx or joint of left thumb .. .. .	645	0	0
Loss of portion of terminal segment of right thumb involving one-third of its flexor surface without loss of distal phalanx or joint ..	602	0	0

SECOND SCHEDULE—*continued.*

Nature of Injury	Amount Payable		
	£	s.	d.
Loss of portion of terminal segment of left thumb involving one-third of its flexor surface without loss of distal phalanx or joint .. .. .	559	0	0
Loss of two phalanges or joints of right forefinger .. .. .	516	0	0
Loss of two phalanges or joints of left forefinger .. .. .	473	0	0
Loss of two phalanges or joints of right middle or ring finger .. .. .	473	0	0
Loss of two phalanges or joints of left middle or ring finger .. .. .	430	0	0
Loss of two phalanges or joints of right little finger .. .. .	430	0	0
Loss of two phalanges or joints of left little finger .. .. .	387	0	0
Loss of distal phalanx or joint of right forefinger .. .. .	430	0	0
Loss of distal phalanx or joint of left forefinger .. .. .	387	0	0
Loss of distal phalanx or joint of other finger of right hand .. .. .	344	0	0
Loss of distal phalanx or joint of other finger of left hand .. .. .	301	0	0
Loss of hand and foot .. .. .	4,300	0	0
Loss of both feet .. .. .	4,300	0	0
Loss of leg above knee .. .. .	3,225	0	0
Loss of leg below knee .. .. .	2,795	0	0
Loss of foot .. .. .	2,580	0	0
Loss of great toe .. .. .	860	0	0
Loss of any other toe .. .. .	344	0	0
Loss of two phalanges or joints of any other toe .. .. .	301	0	0
Loss of phalanx or joint of great toe .. .. .	430	0	0
Loss of phalanx or joint of any other toe .. .. .	258	0	0

8.—(1.) A policy of insurance against liability under the Principal Ordinance, in force immediately before the commencement of this Ordinance, has effect during the unexpired balance of the currency of the policy as if it applied to liability under the Principal Ordinance as amended by this Ordinance.

Existing policies of insurance.

(2.) An employer to whom such a policy has been issued is liable to pay to the insurer, in respect of the additional liability which he may incur as a result of the amendments to the Principal Ordinance effected by this Ordinance, additional premium for the period of the unexpired balance of the currency of the policy, being additional premium equal to the difference between the premium for that period at the rate of premium payable under the policy and the premium for that period at the rate that would have been payable if the policy had been issued, for the purposes of the Principal Ordinance as amended by this Ordinance, upon the date of commencement of this Ordinance.

(3.) Where an insurer under a policy of insurance effected before the commencement of this Ordinance would have been liable, if this Ordinance had not been made, to indemnify a person against his liability under the Principal Ordinance arising out of an injury sustained or a disease contracted before the commencement of this Ordinance, the insurer is liable to indemnify the person against liability under the Principal Ordinance, as amended by this Ordinance, arising out of the injury or the contracting of the disease.

Adjustment of  
weekly  
payments  
under  
Principal  
Ordinance.

9.—(1.) Where, immediately before the date of commencement of this Ordinance, a person was receiving, or was entitled to receive, weekly payments in accordance with the First Schedule to the Principal Ordinance, he is, from and including that date, entitled to receive weekly payments in accordance with the Principal Ordinance as amended by this Ordinance.

(2.) Where, before the date of commencement of this Ordinance, a workman sustained an injury or contracted a disease in respect of which weekly payments in accordance with the First Schedule to the Principal Ordinance would have been payable immediately before that date but for the fact that he was not then incapacitated for work, and on or after that date he becomes incapacitated for work as a result of the injury or disease, weekly payments in respect of that incapacity shall be in accordance with the Principal Ordinance as amended by this Ordinance.

(3.) Where, on or after the date of commencement of this Ordinance, death results from an injury or a disease that was sustained or contracted before that date and in respect of which compensation was payable under the Principal Ordinance, compensation shall be paid in respect of that death in accordance with the Principal Ordinance as amended by this Ordinance.

(4.) Where, immediately before the date of commencement of this Ordinance, a workman was receiving, or was entitled to receive, weekly payments in accordance with the First Schedule to the Principal Ordinance in respect of an injury or injuries sustained or a disease contracted before that date, the provisions of section 12 of the Principal Ordinance as amended by this Ordinance apply in relation to the injury, injuries or disease.

(5.) The amendment made by section 7 of this Ordinance extends in relation to an injury sustained after the commencement of this Ordinance notwithstanding that the accident or disease that caused the injury occurred before the commencement of this Ordinance.