

THE STATUTE LAWS OF CYPRUS

No. 30 OF 1942.

A LAW TO PROVIDE FOR THE PAYMENT OF COMPENSATION
TO WORKMEN FOR INJURY BY ACCIDENT.

C. C. WOOLLEY,
Governor.

[30th December, 1942.]

BE it enacted by His Excellency the Governor and
Commander-in-Chief of the Colony of Cyprus as
follows :—

1. This Law may be cited as the Workmen's Short title,
Compensation Law, 1942.

Meaning of
"workman"
and applica-
tion of Law.

2.—(1) In this Law, unless the context otherwise requires, the expression "workman", subject to section 4 and the proviso to this sub-section, means any person who has, either before or after the commencement of this Law, entered into or works under a contract of service or apprenticeship with an employer, whether by way of manual labour, or otherwise, whether the contract is express or implied, is oral or in writing, and whether the remuneration is calculated by time or by work done :

Provided that the following persons shall not be regarded for the purposes of this Law as workmen :—

- (a) persons whose remuneration exceeds two hundred and fifty pounds a year ; or
- (b) persons employed to perform work of a casual nature not connected with the employer's trade or business not being persons employed for the purposes of any game or recreation and engaged and paid by a Club ; or
- (c) outworkers ; or
- (d) a member of the employer's family dwelling in his house ; or
- (e) persons employed in agriculture, unless such employment be in connection with any steam or internal combustion engine or electric motor or any machine or machinery driven by or actuated by such engine or electric motor whether directly or indirectly ;
- (f) domestic servants ; or
- (g) persons employed as clerical workers or shop assistants or both ; or
- (h) persons who contract or sub-contract for the carrying out of work and themselves engage other persons, independently of the employer, or to perform such work ; or
- (i) tributers.

(2) If in any proceedings for the recovery of compensation under this Law it appears to the Court that the contract of service or apprenticeship under which the injured person was working at the time when the accident causing the injury happened was illegal, the Court may, if having regard to all the circumstances of the case it thinks proper so to do, deal with the matter as if the injured person had at the time aforesaid been a person working under a valid contract of service or apprenticeship.

(3) Except for the purposes of section 17 any reference to a workman who has been injured shall, unless the context otherwise requires, where the workman is dead, include

reference to his legal personal representative, or to his dependants or any of them or the Commissioner or such other officer as the Governor may appoint to act on behalf of the dependants of the workman.

3.—(1) In this Law unless the context otherwise requires— Interpreta-
tion.

“adult” means a person who is not under the age of eighteen years ;

“agriculture” includes horticulture and the cultivation of the ground for any purpose, sowing seeds, planting, removing crops, animal husbandry, but does not include forestry ;

“compensation” means compensation as provided by this Law ;

“Court” means a Court of competent jurisdiction ;

“dependants” means those members of the family of a workman who were wholly or in part dependent upon his earnings at the time of his death, or would but for the incapacity due to the accident have been so dependent, and, where the workman, being the parent or grandparent of an illegitimate child, leaves such child so dependent upon his earnings, or, being an illegitimate child, leaves a parent or grandparent so dependent on his earnings, shall include such an illegitimate child or parent or grandparent respectively : Provided that a person shall not be deemed to be a partial dependent of another person unless he was dependent partially on contributions from that other person for the provision of the ordinary necessities of life suitable for persons in his class and position ;

“earnings” includes wages paid to the workman by the employer and the value of any food, fuel, or quarters supplied to the workman by the employer if as a result of the accident the workman is deprived of such food, fuel, or quarters and any overtime payments or other special remuneration for work done, whether by way of bonus or otherwise, if of constant character or for work habitually performed, but shall not include remuneration for intermittent overtime, or casual payments of a non-recurrent nature, or any *ex-gratia* payment whether given by the employer or other person, or the value of a travelling allowance, or the value of any travelling concession or a contribution paid by the employer of a workman towards any pension or provident fund, or a sum paid to a workman to cover any special expenses entailed on him by the nature of his employment ;

“employer” includes His Majesty in His Government of the Colony and any body of persons corporate or unincorporate and the legal personal representative of a deceased employer, and, where the services of a workman are temporarily lent or let on hire to another person by the person with whom the workman has entered into a contract of service or apprenticeship, the latter shall, for the purposes of this Law, be deemed to continue to be the employer of the workman whilst he is working for that other person; and in relation to a person employed for the purposes of any game or recreation and engaged or paid through a club, the manager, or members of the managing committee of the club shall, for the purposes of this Law, be deemed to be the employer;

“insurer” includes any insurance society, association, company or underwriter;

“medical practitioner” means a medical practitioner registered under the Medical Registration Laws, 1936 and 1939;

“member of the family” means wife, husband, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother, half-sister;

“minor” means a person who is under the age of eighteen years;

“outworker” means a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished, or repaired, or adapted for sale in his own home or on other premises not under the control or management of the person who gave out the articles or materials;

“partial incapacity” means, where the incapacity is of a temporary nature, such incapacity as reduces the earning capacity of a workman in any employment in which he was engaged at the time of the accident resulting in the incapacity, and, where the incapacity is of a permanent nature, such incapacity as reduces his earning capacity in every employment which he was capable of undertaking at that time: Provided that every injury specified in the Schedule hereto, except such injury or combination of injuries in respect of which the percentage or aggregate percentage of the loss of earning capacity as specified in that Schedule against such injury or injuries amounts to one hundred per centum or more shall be deemed to result in permanent partial incapacity;

“total incapacity” means such incapacity whether of a temporary or permanent nature, as incapacitates a workman for any employment which he was capable of undertaking at the time of the accident resulting in such incapacity: Provided that permanent total incapacity shall be deemed to result from an injury or from any combination of injuries specified in the Schedule hereto where the percentage or aggregate percentage of the loss of earning capacity as specified in that Schedule against such injury or injuries, amounts to one hundred per centum or more;

“tributer” means a person who is granted permission to win minerals, receiving a proportion of the minerals won by him or the value thereof.

(2) The exercise and performance of the powers and duties conferred or imposed upon any local authority or body under any Law in force for the time being shall, for the purposes of this Law, be deemed to be the trade or business of such local authority or body.

4. This Law shall apply to workmen employed by or under the Crown in the same way and to the same extent as if the employer were a private person, except in the case of persons in the naval or military or air service of the Crown and persons in the Civil employment of His Majesty otherwise than in His Government of the Colony: Provided that this Law shall not apply in the case of a workman in, or selected for appointment to, the service of the Government of the Colony before the date upon which this Law comes into operation where, in consequence of injury received by any such workman in the discharge of his duties, a pension or gratuity which would not be payable if such injury were received otherwise, is paid to him or, in the case of his death, to any of his dependants as defined in this Law, under any Law or regulation providing for the grant of such pension or gratuity.

Application to workmen employed under the Crown.

5. If in any employment a workman suffers personal injury by accident arising out of and in the course of his employment his employer shall be liable to pay compensation in accordance with the provisions of this Law:

Employers' liability for compensation.

Provided that the employer shall not be so liable for such compensation should—

(a) the injury incapacitate the workman whether totally or partially for a period of less than seven consecutive calendar days;

- (b) the accident be proved to be attributable to the workman's own serious and wilful misconduct which shall include :—
- (i) his being in any degree under the influence of drugs or intoxicating liquor ; or
 - (ii) a contravention of any Law, regulation, rule or order, whether statutory or otherwise, expressly made for the purpose of ensuring the safety or health of workmen, or of preventing accidents to workmen, if the contravention was committed deliberately or with a reckless disregard of the terms of such Law, regulation, rule or order ; or
 - (iii) the wilful removal or disregard by the workman of any safety guard or other device which he knew to have been provided for the purpose of securing the safety of workmen ; or
 - (iv) any other act or omission which the Court may, having regard to all the circumstances of an accident, declare to be serious and wilful misconduct ;
- (c) death or incapacity result from personal injury if the workman has at any time represented to the employer that he was not suffering or had not previously suffered from that or a similar injury, knowing that the representation was false.

Compensation in fatal cases.

6. Where death results from the injury—

- (a) if the workman leaves any dependants wholly dependent upon his earnings, the amount of compensation shall be a sum equal to thirty-six months' earnings or four hundred and fifty pounds whichever is less, but in no case shall the amount be less than one hundred pounds :

Provided that where in respect of the same accident compensation has been paid under the provisions of section 7, 8 or 9 there shall be deducted from the sum payable under this paragraph any sums so paid as compensation ;

- (b) if the workman does not leave any dependants wholly dependent on his earnings, but leaves any dependants in part so dependent, the amount of compensation shall be such sum, not exceeding in any case the amount payable under paragraph (a) of this section, as may be determined by the Court to be reasonable and proportionate to the injury to the said dependants ;

(c) if the workman leaves no dependants, the reasonable expenses of the burial of the deceased workman and the reasonable expenses of medical attendance on the deceased workman, not exceeding in all the sum of fifteen pounds, shall be paid by the employer.

7. Where permanent total incapacity results from the injury the amount of compensation shall be—

Compensation in the case of permanent total incapacity.

(a) in the case of an adult, a sum equal to forty-two months' earnings or six hundred pounds, whichever is less ;

(b) in the case of a minor, a sum equal to seventy-two months' earnings or six hundred pounds, whichever is less :

Provided that in no case shall the amount of compensation in respect of permanent total incapacity be less than one hundred pounds.

8.—(1) Where permanent partial incapacity results from the injury the amount of compensation shall be—

Compensation in the case of permanent partial incapacity.

(a) in the case of an injury specified in the Schedule hereto such percentage of the compensation which would have been payable in the case of permanent total incapacity as is specified therein as being the percentage of the loss of earning capacity caused by that injury, and

(b) in the case of an injury not specified in the Schedule hereto such percentage of the compensation which would have been payable in the case of permanent total incapacity as is proportionate to the loss of earning capacity permanently caused by the injury :

Provided that a workman entitled to receive compensation as in the Schedule provided may apply to the Court representing that on the ground of the special nature of his employment, training and other circumstances his earning capacity has in fact been reduced by the particular injury sustained to a greater extent than is represented by the percentage of incapacity laid down in the said Schedule for that injury ; and that the Court shall then determine what is the proper percentage of incapacity in his case, having regard to the actual loss of earning capacity sustained.

(2) Where more injuries than one are caused by the same accident, the amount of compensation payable under the provisions of this section shall be aggregated, but not so in any case as to exceed the amount which would have been payable if permanent total incapacity had resulted from the injuries.

Compensation in the case of temporary incapacity.

9.—(1) Where temporary incapacity whether total or partial results from the injury, the compensation shall be the periodical payments hereinafter mentioned payable at such intervals as may be agreed upon or as the Court may order, or a lump sum calculated accordingly having regard to the probable duration, and probable changes in the degree, of the incapacity. Such periodical payments shall be, or shall be at the rate proportionate to—

(a) in the case of an adult, a monthly payment of half the difference between the monthly earnings which the workman was earning at the time of the accident and the monthly earnings which he is earning or is capable of earning in some suitable employment or business after the accident ;

(b) in the case of a minor, a monthly payment of two-thirds or, after he has become an adult, three-fourths of the difference between the monthly earnings which the workman was earning at the time of the accident and the monthly earnings which he is earning or is capable of earning in some suitable employment or business after the accident :

Provided that—

(i) no periodical payment under the provisions of this section shall be at a higher rate than six pounds a month ;

(ii) if the incapacity lasts less than four weeks, no compensation shall be payable in respect of the first three days ;

(iii) neither the aggregate of the periodical payments nor the lump sum payable under this sub-section shall exceed the lump sum which would be payable in respect of the same degree of incapacity under the provisions of section 7 or 8, as the case may be, if the incapacity were permanent.

(2) In fixing the amount of the periodical payment the Court shall have regard to any payment, allowance or benefit which the workman may receive from the employer during the incapacity.

(3) On the ceasing of the incapacity before the date on which any periodical payment falls due, there shall be payable in respect of that period a sum proportionate to the duration of the incapacity in that period.

(4) Where a workman in receipt of periodical payments under the provisions of this section intends to leave the neighbourhood in which he was employed, for the purpose of residing elsewhere, he shall give notice of such intention to the employer who may agree with the workman for

the redemption of such periodical payments by a lump sum, or for the continuance of such periodical payments. If the employer and workman are unable to agree either party may apply to the Court which shall have jurisdiction to order such redemption and to determine the amount to be paid or to order the continuance of the periodical payments :

Provided that any lump sum so ordered to be paid together with the periodical payments already made to the workman shall not exceed the lump sum which would be payable in respect of the same degree of incapacity under the provisions of section 7 or 8, as the case may be, if the incapacity were permanent.

(5) If a workman in receipt of periodical payments under the provisions of this section leaves the neighbourhood in which he was employed, for the purpose of residing elsewhere, without giving notice as provided in sub-section (4), or having given such notice leaves the neighbourhood as aforesaid without having come to an agreement with his employer for the redemption or continuance of such periodical payments, or without having made an application to the Court under the provisions of sub-section (4), he shall not be entitled to any benefits under this Law during or in respect of the period of his absence. If the period of such absence shall exceed six months, the workman shall cease to be entitled to any benefits under this Law.

10.—(1) For the purposes of this Law the monthly earnings of a workman shall be computed in such manner as is best calculated to give the rate per month at which the workman was being remunerated during the previous twelve months if he has been so long employed by the same employer, but, if not, then for any less period during which he has been in the employment of the same employer :

Method of
calculating
earnings.

Provided that where by reason of the shortness of the time during which the workman has been in the employment of his employer or the casual nature of the employment, or the terms of the employment, it is impracticable at the date of the accident to compute the rate of remuneration, regard may be had to the average monthly amount which, during the twelve months previous to the accident, was being earned by a person of similar earning capacity in the same grade employed at the same work by the same employer, or, if there is no person so employed, by a person of similar earning capacity in the same grade employed in the same class of employment and in the same district.

(2) For the purposes of the preceding sub-section, employment by the same employer shall be taken to mean employment by the same employer in the grade in which the workman was employed at the time of the accident, uninterrupted by absence from work due to illness or any other unavoidable cause.

(3) Where the workman had entered into concurrent contracts of service with two or more employers under which he worked at one time for one such employer and at another time for another such employer, his monthly earnings shall be computed as if his earnings under all such contracts were earnings in the employment of the employer for whom he was working at the time of the accident :

Provided that the earnings of the workman under the concurrent contract shall be taken into account only so far as the workman is incapacitated from performing the concurrent contract.

(4) Upon request of the workman to the employer liable to pay compensation, that employer shall furnish in writing a list of the earnings which have been earned by that workman upon which the amount of the monthly earnings may be calculated for the purposes of this section.

Persons
entitled to
compensa-
tion.

11.—(1) The compensation shall be payable to or for the benefit of the workman, or, where death results from the injury, to or for the benefit of his dependants as provided by this Law.

(2) Where there are both total and partial dependants nothing in this Law shall be construed as preventing the compensation being allotted partly to the total and partly to the partial dependants.

(3) Where a dependant dies before a claim in respect of death is made under this Law, or, if a claim has been made, before an order for the payment of compensation has been made, the legal personal representative of the dependant shall have no right to payment of compensation, and the claim for compensation shall be dealt with as if that dependant had died before the workman.

Distribution
of compensa-
tion.

12.—(1) Compensation payable where the death of a workman has resulted from an injury shall be paid to the Court, and the Court may order any sum so paid in to be apportioned among the dependants of the deceased workman or any of them in such proportion as the Court thinks fit, or in the discretion of the Court, to be allotted to any one such dependant, and the sum so allotted to any dependant shall be paid to him or be invested, applied or otherwise dealt with for his benefit in such manner as the Court thinks fit.

Where, on application being made in accordance with any rules made under this Law, it appears to the Court that, on account of the variation of the circumstances of the various dependants, or for any other sufficient cause, an order made under this sub-section ought to be varied, the Court may make such order for the variation of the former order as in the circumstances of the case the Court may think just.

(2) Compensation payable under the provisions of section 7 or 8 and lump sums payable under the provisions of section 9 shall be paid to the Court, and any sum so paid shall be paid to the person entitled thereto or be invested, applied or otherwise dealt with for his benefit in such manner as the Court thinks fit.

(3) Nothing in this section shall prevent an employer from making any payment to a workman pending the settlement or determination of the claim and the Court may order that the whole or any part of such payment shall be deducted from the amount of compensation payable to him under the provisions of this section.

(4) Any other compensation payable under this Law may be paid to the workman or to the Court and when paid to the Court shall be paid by the Court to the person entitled thereto.

(5) The receipt of the Registrar of the Court shall be a sufficient discharge in respect of any amount paid to the Court under the provisions of this Law.

(6) Any order or directions of the Court under this section shall be final and no appeal shall lie therefrom.

13.—(1) Proceedings for the recovery under this Law of compensation for an injury shall not be maintainable unless notice of the accident has been given by or on behalf of the workman as soon as practicable after the happening thereof and before the workman has voluntarily left the employment in which he was injured, and unless the application for compensation with respect to such accident has been made within six months from the occurrence of the accident causing the injury or, in the case of death within six months from the time of death :

Require-
ments as to
notice of
accident and
application
for com-
pensation.

Provided that—

- (a) the want of, or any defect or inaccuracy in, such notice shall not be a bar to the maintenance of such proceedings if the employer is proved to have had knowledge of the accident from any other source at or about the time of the accident or if it is found in the proceedings for settling the claim that the employer is not, or would not, if a notice or an

amended notice were then given and the hearing postponed, be prejudiced in his defence by the want, defect or inaccuracy, or that such want, defect or inaccuracy was occasioned by mistake or other reasonable cause ;

(b) the failure to make an application within the period above specified shall not be a bar to the maintenance of such proceedings if it is found that the failure was occasioned by mistake or other reasonable cause.

(2) Notice in respect of an injury under this Law may be given either in writing or orally to the employer (or if there is more than one employer to one of such employers) or to any foreman or other official under whose supervision the workman is employed, or to any person designated for the purpose by the employer, and shall give the name and address of the person injured, and shall state in ordinary language the cause of the injury and the date at which the accident happened.

(3) The notice, if in writing, may be given by delivering the same at or sending it by post in a registered letter addressed to the residence or place of business of the person to whom it is to be given.

(4) Where the employer is a body of persons, corporate or unincorporate, a notice, if in writing, may also be given by delivering it or by sending it by post in a registered letter addressed to the employer, at the office, or, if there be more than one office any one of the offices, of such body.

(5) The workman shall, if required by his employer, supply to him such further particulars of the accident and of the injury as the employer may reasonably require.

Special provisions as to notice of accident in mines, factories, etc.

14.—(1) There shall be kept constantly posted up in some conspicuous place at or near every mine, quarry, factory or workshop where it may be conveniently read by the persons employed, a summary, in such form and language as may be prescribed, of the requirements of this Law, with regard to the giving of notice of accidents and the making of claims, and, in the event of such summary becoming effaced, obliterated or destroyed, it shall be renewed with all reasonable dispatch.

(2) In the event of any non-compliance with the provisions of sub-section (1) the manager of the mine, quarry, factory or workshop shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five pounds.

In this sub-section the expression “ manager ” means the person, company, association or partnership having charge of any mine, quarry, factory or workshop or owning

the business thereof, and includes the manager, agent or other person acting or apparently acting in the general management or control of any mine, quarry, factory or workshop.

(3) The want of, or any defect or inaccuracy in, the notice of an accident required by the last preceding section of this Law shall not be a bar to the maintenance of proceedings for the recovery of compensation under this Law where the employer is the owner of a mine or quarry or the occupier of a factory or workshop—

- (a) if such summary as aforesaid has not been posted up in accordance with the provisions of this section ; or
- (b) if the accident has been reported by the employer in accordance with the provisions of sub-section (1) of section 15 ; or
- (c) if the accident has been entered in any register of accidents kept by or on behalf of the employer at the mine, quarry, factory or workshop ; or
- (d) if the injury has been treated in an ambulance room at the mine, quarry, factory or workshop.

15.—(1) When the death of a workman from any cause whatever is brought to the notice of or comes to the knowledge of his employer, the employer shall, as soon as practicable after the occurrence of the death, give notice thereof to the Commissioner of Labour or to such other person as may be prescribed. Such notice shall state the circumstances of the death of the workman if they are known to the employer.

Employer to report the death of a workman.

(2) Any employer who fails to comply with the provisions of sub-section (1) without reasonable cause shall be liable to a fine not exceeding fifty pounds.

(3) Nothing contained in this section shall prevent any person from making a claim for compensation under this Law.

16.—(1) Where a workman has given notice of an accident he shall, if the employer, before the expiry of seven days from the time at which notice has been given, offers to have him examined free of charge by a medical practitioner named by the employer, submit himself for such examination, and any workman who is in receipt of a periodical payment under section 9 shall, if so required, submit himself for such examination from time to time but at reasonable intervals.

Medical examination and treatment.

(2) The workman shall, when required, attend upon that medical practitioner at the time and place notified to the workman by the employer or that medical practitioner, provided such time and place is reasonable.

(3) In the event of the workman being, in the opinion of any medical practitioner, unable or not in a fit state to attend on the medical practitioner named by the employer, that fact shall be notified to the employer, and the medical practitioner so named shall fix a reasonable time and place for a personal examination of the workman and shall send him notice accordingly.

(4) If the workman fails to submit himself for such examination, his right to compensation shall be suspended until such examination has taken place; and if such failure extends for a period of fifteen days from the date when the workman was required to submit himself for examination under sub-section (2) or sub-section (3), as the case may be, no compensation shall be payable, unless the Court is satisfied that there was reasonable cause for such failure.

(5) The workman shall be entitled to have his own medical practitioner present at such examination, but at his own expense.

(6) Where the workman is not attended by a medical practitioner he shall, if so required by the employer, submit himself for treatment by a medical practitioner without expense to the workman.

(7) If the workman has failed to submit himself for treatment by a medical practitioner when so required under the provisions of sub-section (6), or having submitted himself for such treatment has disregarded the instructions of such medical practitioner, then if it is proved that such failure or disregard was unreasonable in the circumstances of the case and that the injury has been aggravated thereby, the injury and resulting incapacity shall be deemed to be of the same nature and duration as they might reasonably have been expected to be if the workman had submitted himself for treatment by, and duly carried out the instructions of, such medical practitioner, and compensation, if any, shall be payable accordingly.

(8) Where under this section a right to compensation is suspended, no compensation shall be payable in respect of the period of suspension.

(9) Notwithstanding anything contained in this section, where a claim for compensation is made in respect of the death of a workman, then if the workman failed to submit himself to examination by a medical practitioner when so required under the provisions of this section, or failed to submit himself for treatment by a medical practitioner when so required under the provisions of this section or having submitted himself for such treatment disregarded the instructions of such medical practitioner, and if it is

proved that such failure or disregard was unreasonable in the circumstances of the case and that the death of the workman was caused thereby, the death shall not be deemed to have resulted from the injury and no compensation shall be payable in respect of the injury.

17.—(1) The employer and workman may, after the injury in respect of which the claim to compensation has arisen agree in writing as to the compensation to be paid by the employer. Such agreement shall be in duplicate, one copy to be kept by the employer and one copy to be kept by the workman:

Agreement
as to com-
pensation.

Provided that—

- (a) the compensation agreed upon shall not be less than the amount payable under the provisions of this Law; and
- (b) where the workman is unable to read and understand writing in the language in which the agreement is expressed the agreement shall not be binding against him unless it is endorsed by a certificate of a Commissioner, or such other person as may be prescribed, to the effect that he read over and explained to the workman the terms thereof and that the workman appeared fully to understand and approve of the agreement.

(2) Any agreement made under sub-section (1) may on application to the Court be made an order of the Court.

(3) Where compensation has been agreed the Court may, notwithstanding that the agreement has been made an order of the Court under the previous sub-section, on application by any party within three months after the date of the agreement, cancel it and make such order (including an order as to any sum already paid under the agreement) as in the circumstances the Court may think just, if it is proved—

- (a) that the sum paid or to be paid was or is not in accordance with the provisions of sub-section (1); or
- (b) that the agreement was entered into in ignorance of, or under a mistake as to, the true nature of the injury; or
- (c) that the agreement was obtained by such fraud, undue influence, misrepresentation or other improper means as would, in law, be sufficient ground for avoiding it.

18.—(1) If an employer on whom notice of the accident has been served under section 13 does not within fourteen days after the receipt of the notice agree in writing with the workman as to the amount of compensation to be paid,

Determina-
tion of
claims.

the workman may, in the prescribed form and manner, make an application for enforcing his claim to compensation to the Court having jurisdiction in the district in which the accident giving rise to the claim occurred.

(2) All claims for compensation under this Law, unless determined by agreement, and any matter arising out of proceedings thereunder shall be determined by the Court, and the Court may, for that purpose, call upon any Government Officer or any independent medical practitioner to give evidence, if the Court is of opinion that such officer or practitioner is, by virtue of his expert knowledge, able to assist the Court.

Review.

19.—(1) Any periodical payment payable under this Law either under agreement between the parties or under an order of the Court, may be reviewed by the Court on the application either of the employer or of the workman :

Provided that where the application for review is based on a change in the condition of the workman any such application shall be supported by a certificate of a medical practitioner if the services of a medical practitioner are available.

(2) Any periodical payment may, on review under this section, subject to the provisions of this Law be continued, increased, diminished, converted to a lump sum, or ended. If the accident is found to have resulted in permanent incapacity, the periodical payment shall be converted to the lump sum to which the workman is entitled under the provisions of section 7 or 8, as the case may be, less any amount which he has already received by way of periodical payments.

(3) Where application is made by an employer under this section for any periodical payment to be ended or diminished and the application is supported by the certificate of a medical practitioner, the employer may pay into Court the periodical payment, or so much thereof as is equal to the amount by which he contends that the periodical payment should be diminished, to abide the decision of the Court made on a review under this section.

(4) In making a review under this section the Court shall have regard only to the capacity for work of the workman as affected by the accident.

20. Subject to the provisions of sub-section (5) of section 9, sub-section (4) of section 16 and sub-section (3) of section 19, an employer shall not be entitled, otherwise than in pursuance of an agreement or an order of the Court—

(a) to end periodical payments except—

Limitation
of power of
employer to
end or
decrease
periodical
payments.

- (i) where a workman resumes work and his earnings are not less than the earnings which he was obtaining before the accident, or
- (ii) where a workman dies ;
- (b) to diminish periodical payments except—
 - (i) where a workman in receipt of periodical payments in respect of total incapacity has actually returned to work, or
 - (ii) where the earnings of a workman in receipt of periodical payments in respect of partial incapacity have actually been increased.

21.—(1) Where in any proceedings under this Law on a claim for compensation in respect of the death of a workman the Court is satisfied that other or sufficient evidence as to the dependency on the deceased workman of a person claiming to be a dependant, residing outside the district in which the proceedings are being taken, or as to the degree of such dependency, cannot be procured, or cannot be procured without undue hardship to the claimant or other party to the proceedings, a statement as to the dependency and as to the degree of dependency of the claimant signed by the Commissioner of the district in which the claimant resides shall be *prima facie* proof of the facts stated therein. The signature of the Commissioner shall be admitted without proof unless the Court shall have reason to doubt the genuineness thereof.

Jurisdiction
of the Court.

(2) If in such proceedings any evidence is adduced which in the opinion of the Court traverses the facts set out in such statement or, if for any other reason, the Court thinks fit, the Court may request a Court having jurisdiction in the district in which a person claiming to be a dependant resides, to investigate the fact of the dependency and the degree of the dependency of such person. The record of any such investigation including the finding of the Court thereon shall be receivable as evidence in the proceedings, and a certificate signed by the Registrar of the Court which has conducted the investigation shall be sufficient proof of such record and such signature shall be admitted without proof unless the Court shall see reason to doubt the genuineness thereof.

(3) Where a request is received by a Court from a Court in another district for an investigation of any matter arising out of proceedings for compensation instituted in such other Court under this Law, the Court shall have jurisdiction to conduct such investigation, and shall transmit to such other Court the record of such investigation, including its findings thereon, duly certified by the Registrar of the Court.

Power of
the Court
to submit
questions
of law.

22. The Court may, if it thinks fit, submit any question of law for the decision of the Supreme Court. Such submission shall be in the form of a special case in accordance with rules made under this Law.

Appeals.

23.—(1) Subject to the provisions of this section and of section 12 an appeal shall lie to the Supreme Court from any order of the Court.

(2) Unless some substantial question of law is involved in the appeal, no appeal shall lie, except with the leave of the Court or of the Supreme Court, if the amount in dispute in the appeal is less than fifty pounds.

(3) No appeal shall lie in any case in which the parties have agreed to abide by the decision of the Court, or in which the order of the Court gives effect to an agreement come to by the parties.

(4) No appeal shall lie after the expiration of thirty days from the date of the order of the Court :

Provided that the Supreme Court may, if it thinks fit, extend the time for appealing under this section notwithstanding that the time for appealing has elapsed.

Liability
in case of
workman
employed by
contractors.

24.—(1) Where any person (in this section referred to as "the principal"), in the course of or for the purposes of his trade or business, contracts with any other person otherwise than as a tributer (which other person is in this section referred to as "the contractor") for the execution by or under the contractor of the whole or any part of any work undertaken by the principal, the principal shall be liable to pay to any workman employed in the execution of the work any compensation under this Law which he would have been liable to pay if that workman had been immediately employed by him ; and where compensation is claimed from or proceedings are taken against the principal, then, in the application of this Law, references to the principal shall be substituted for references to the employer, except that the amount of compensation shall be calculated with reference to the earnings of the workman under the employer by whom he is immediately employed.

(2) Where the principal is liable to pay compensation under this section, he shall be entitled to be indemnified by any person who would have been liable to pay compensation to the workman independently of this section.

(3) Where a claim or application for compensation is made under this section against a principal, the principal shall give notice thereof to the contractor who shall thereupon be entitled to intervene in any application made against the principal.

(4) Nothing in this section shall be construed as preventing a workman recovering compensation under this Law from the contractor instead of the principal.

(5) This section shall not apply in any case where the accident occurred elsewhere than on, or in, or about premises on which the principal has undertaken to execute the work or which are otherwise under his control or management.

25. Where the injury in respect of which compensation is payable under this Law was caused under circumstances creating a legal liability in some person other than the employer to pay damages in respect thereof—

Remedies
against
both
employer
and stranger.

- (i) the workman may take proceedings both against that person to recover damages and against any person liable to any compensation under this Law for such compensation, but shall not be entitled to recover both damages and compensation; and
- (ii) if the workman has recovered compensation under this Law, the person by whom the compensation was paid, and any person who has been called on to pay an indemnity under the provisions of section 24 relating to liability in case of workmen employed by contractors, shall be entitled to be indemnified as regards the amount of compensation, including costs, by the person so liable to pay damages as aforesaid, and any question as to the right to and amount of any such indemnity shall, in default of agreement, be determined by civil action or, by consent of the parties, by arbitration under the Courts of Justice Orders and Laws, 1927 to (No. 2) 1935.

The Cyprus
Courts of
Justice
Order, 1927.
45 of 1934.
36 of 1935.

26.—(1) Where the injury was caused by the personal negligence or wilful act of the employer or of some other person for whose act or default the employer is responsible, nothing in this Law shall prevent proceedings to recover damages being instituted against the employer in a Court independently of this Law:

Proceedings
independ-
ently of the
Law.

Provided that—

- (a) a judgment in such proceedings whether for or against the employer shall be a bar to proceedings at the suit of any person by whom, or on whose behalf, such proceedings were taken, in respect of the same injury under this Law;
- (b) a judgment in proceedings under this Law whether for or against the employer shall be a bar to proceedings at the suit of any person by whom, or on

whose behalf, such proceedings were taken, in respect of the same injury independently of this Law ;

- (c) an agreement come to between the employer and the workman under the provisions of sub-section (1) of section 17 shall be a bar to proceedings by the workman in respect of the same injury independently of this Law.

(2) If in proceedings independently of this Law or on appeal, it is determined that the employer is not liable under such proceedings, the Court in which such proceedings are taken or the appellate tribunal may proceed to determine whether compensation under this Law is liable to be paid to the plaintiff and may assess the amount of compensation so payable, but may deduct from such compensation any extra costs which in the opinion of the Court or appellate tribunal have been incurred by the employer by reason of the proceedings having been taken independently of this Law.

Governor in Council may, by order, require employers to insure.

27.—(1) The Governor in Council may by order published in the *Gazette* require any employer or class of employers to insure and keep himself or themselves insured, with such insurers as may be approved by the Governor, in respect of any liability which they may incur, under the provisions of this Law, to any workman employed by them.

(2) Any employer who acts in contravention of sub-section (1) of this section shall be liable to a fine not exceeding five pounds for every day during which the default continues.

Provision as to cases of bankruptcy of employer.

28.—(1) Where any employer has entered into a contract with any insurers in respect of any liability under this Law to any workman, then, in the event of the employer becoming bankrupt, or making a composition or arrangement with his creditors, or, if the employer is a company, in the event of the company having commenced to be wound up or a receiver or manager of the company's business or undertaking having been duly appointed, the rights of the employer against the insurers as respects the liability shall, notwithstanding anything contained in any laws relating to bankruptcy and the winding-up of companies for the time being in force, be transferred to and vest in the workman, and upon any such transfer the insurers shall have the same rights and remedies and be subject to the same liabilities as if they were the employer : Provided that the insurers shall not be under any greater liability to the workman than they would have been under to the employer.

(2) If the liability of the insurers to the workman is less than the liability of the employer to the workman, the workman may prove for the balance in the bankruptcy or liquidation, or, as the case may be, he may recover the balance from the receiver or manager.

(3) There shall be included amongst the debts which—

(i) under section 38 of the Bankruptcy Law, 1930, are in the distribution of the property or assets of a bankrupt, to be paid in priority to all other debts; and

8 of 1930.

(ii) under section 130 of the Companies (Limited Liability) Laws, 1922 to 1940, are in the winding-up of a company to be paid in priority to all other debts,

18 of 1922.

16 of 1931.

4 of 1934.

20 of 1938.

17 of 1940.

the amount due in respect of any compensation or liability for compensation accrued before the following dates that is to say:—

(a) in the first case the date of the receiving order; and

(b) in the second case the date of commencement of the winding-up of the company.

Where the compensation is a weekly payment, the amount due in respect thereof shall, for the purposes of this provision be taken to be the amount of the lump sum for which the weekly payment could, if redeemable, be redeemed if the employer made an application for that purpose under this Law.

(4) The provisions of sub-section (3) shall not apply where the bankrupt has entered into such a contract with insurers as is referred to in sub-section (1).

29.—(1) This Law shall apply to masters, seamen and apprentices to the sea service, provided that such persons are workmen within the meaning of this Law, and are members of the crew of any ship registered in the Colony, or of any other British ship or vessel of which the owner, or (if there is more than one owner) the managing owner, or manager resides or has his principal place of business in the Colony, subject to the following modifications:—

Application to persons employed on ships.

(a) the notice of accident and the claim for compensation may, except where the person injured is the master, be given to the master of the ship as if he were the employer, but where the accident happened and the incapacity commenced on board the ship it shall not be necessary to give any notice of the accident;

(b) in the case of the death of the master, seaman or apprentice, the application for compensation shall be made within three months after news of the death has been received by the claimant;

- (c) where the injured master, seaman or apprentice is discharged or left behind in a British possession or in a foreign country, depositions respecting the circumstances and nature of the injury may be taken by any Judge or Magistrate in the British possession, and by any British Consular Officer in the foreign country, and if so taken shall be transmitted by the person by whom they were taken to the Governor, and such depositions or certified copies thereof shall in any proceedings for enforcing the claim be admissible in evidence as provided in sections 691 and 695 of the Merchant Shipping Act, 1894, and those sections shall apply accordingly ;
- (d) in case of the death of a master, seaman or apprentice leaving no dependants, no compensation shall be payable, if the owner of the ship is under the Merchant Shipping Act, 1894, liable to pay expenses of burial ;
- (e) the periodical payment shall not be payable in respect of the period during which the owner of the ship is, under any Law in force for the time being in the Colony relating to merchant shipping, liable to defray the expenses of maintenance of the injured master or seaman or apprentice ;
- (f) any sum payable by way of compensation by the owner of the ship under this Law shall be paid in full notwithstanding anything in section 503 of the Merchant Shipping Act, 1894, (which relates to the limitation of shipowner's liability in certain cases of loss of life, injury or damage), but the limitation of the owner's liability imposed by that section shall apply to the amount recoverable by way of indemnity under section 25 (relating to remedies both against employer and stranger) as if the indemnity were damages for loss of life or personal injury ;
- (g) sub-sections (2) and (3) of section 174 of the Merchant Shipping Act, 1894, (which relate to the recovery of wages of seamen lost with their ship), shall apply as respects proceedings for the recovery of compensation by dependants of masters, seamen and apprentices lost with their ship as they apply with respect to proceedings for the recovery of wages due to seamen and apprentices ; and proceedings for the recovery of compensation shall in such a case be maintainable if the application is made within six months of the date at which the ship is deemed to have been lost with all hands.

(2) This Law shall not apply to such members of the crew of a fishing vessel as are remunerated wholly or mainly by shares in the profits or the gross earnings of the working of such vessel, except in such cases and subject to such modifications as the Governor in Council may by order provide.

(3) This Law shall also apply to any person not being a master, seaman or apprentice to the sea service, employed on board any such ship as is mentioned in this section, if he is so employed for the purposes of the ship or of any passengers or cargo or mails carried by the ship, and if he is otherwise a workman within the meaning of this Law.

(4) In this section unless the context otherwise requires—

“ship”, “vessel”, “seaman” and “port” shall have the same meaning as in the Merchant Shipping Act, 1894 ;

“master” in relation to a ship means the ship’s husband or other person to whom the management of the ship is entrusted by or on behalf of the owner.

30. Any contract or agreement whether made before or after the commencement of this Law, whereby a workman relinquishes any right of compensation from an employer for injury arising out of and in the course of his employment shall be null and void in so far as it purports to remove or reduce the liability of any person to pay compensation under this Law :

Contracting out.

Provided that a workman, who has obtained compensation in respect of permanent partial or permanent total incapacity, may enter into a contract reducing or giving up his right to compensation under this Law in respect of any future personal injury by accident if such contract is certified to be fair and reasonable by the Commissioner of Labour or such other person as may be prescribed.

31. Compensation payable under this Law 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 such compensation.

Compensation not to be assigned, charged or attached.

32.—(1) The Governor in Council may make rules prescribing such returns as he shall think fit to be made by employers and by insurers carrying on in the Colony the business of insuring employers against their liabilities under this Law.

Returns by employer and insurer.

(2) Any person required to make a return under this Law who fails to make the return within the time within which he is required to make the return, or who makes or causes to be made a return which is false in any particular, or on being so required fails to give any information or explanation respecting the return which it is in his power to give, shall be liable to a fine not exceeding twenty pounds and in the case of a continuing offence to a fine not exceeding one pound for every day during which the default continues.

(3) Where a person convicted of an offence against this Law is a company, the chairman and every director and every officer of the company shall be guilty of a like offence unless he proves that the act or omission constituting the offence took place without his knowledge or consent.

Power to
make rules.

33.—(1) The Governor in Council may make rules:—

- (a) prescribing procedure and forms ;
- (b) for matters which are specifically mentioned in this Law as being matters which may be prescribed ;
- (c) generally for carrying out the objects and provisions of this Law.

(2) The Chief Justice, with the approval of the Governor, may make rules of Court for regulating proceedings before the Court under the provisions of this Law and for the fees payable in respect thereof.

Rules as to
transfer of
funds.

34.—(1) Where an arrangement has been made whereby sums awarded under the law relating to workmen's compensation in the Colony to beneficiaries resident or becoming resident in the United Kingdom or in any other part of His Majesty's dominions, and sums awarded under the law relating to workmen's compensation in the United Kingdom or in such other part of His Majesty's dominions to beneficiaries resident or becoming resident in the Colony, may, at the request of the authority by which the award is made, be transferred to and administered by a competent authority in the United Kingdom or in such other part of His Majesty's dominions or in the Colony, as the case may be, the Governor in Council may make rules—

- (a) for the transfer, in such manner as may be provided by the arrangement, to the United Kingdom or that part of His Majesty's dominions with which the arrangement is made of any money in the disposition of the Court, applicable for the benefit of any person resident in or about to reside in the United Kingdom or such other part of His Majesty's dominions ;

(b) for the receipt and administration by an officer appointed by the Governor for this purpose of any money which under any such arrangement has been transmitted from the United Kingdom or the part of His Majesty's dominions with which the arrangement has been made as money applicable for the benefit of any person resident or about to reside in the Colony.

(2) For the purposes of this section "His Majesty's dominions" includes British protectorates and protected States and territories in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty.

35. This Law shall come into operation on a date to be fixed by the Governor by notice in the *Gazette* and thereupon Part II of the Mines Regulations (Amendment) Law, 1925, and the First Schedule thereto shall be repealed.

Repeal and
date of
commence-
ment of the
Law.
12 of 1925.

SCHEDULE.

(SECTION 3.)

<i>Injury.</i>	<i>Percentage of Incapacity.</i>
Loss of two limbs	}
Loss of both hands or of all fingers, and thumbs..	
Loss of both feet	
Total loss of sight	
Total paralysis	
Injuries resulting in being permanently bedridden	
Any other injury causing permanent total disablement	100
Loss of arm at shoulder	60
Loss of arm between elbow and shoulder	50
Loss of arm at elbow	47½
Loss of arm between wrist and elbow	45
Loss of hand at wrist	42½
Loss of four fingers and thumb of one hand	42½
Loss of four fingers	35
Loss of thumb—both phalanges	35
one phalanx	10
Loss of index finger—three phalanges	10
two phalanges	8
one phalanx	4

<i>Injury.</i>	<i>Percentage of Incapacity.</i>
Loss of middle finger—three phalanges	6
two phalanges	4
one phalanx	2
Loss of ring finger—three phalanges	5
two phalanges	4
one phalanx	2
Loss of little finger—three phalanges	4
two phalanges	3
one phalanx	2
Loss of metacarpals—first or second (additional)	3
third, fourth or fifth	
(additional)	2
Loss of leg—at or above knee	70
below knee	40
Loss of foot	40
Loss of toes—all of one foot	15
great, both phalanges	5
one phalanx	2
other than great, if more than one	
toe lost, each	1
Loss of sight of one eye	30
Total loss of hearing	50

Total permanent loss of the use of a member shall be treated as loss of such member.

In the case of a right-handed workman, an injury to the left arm or hand and in the case of a left-handed workman, to the right arm or hand shall be rated at ninety per cent. of the above percentages.

Where there is loss of two or more parts of the hand, the percentage of incapacity shall not be more than for the loss of the whole hand.

J. V. W. SHAW,

30th December, 1942.

Colonial Secretary.