



SUPPLEMENT No. 2

TO

THE CYPRUS GAZETTE No. 3550 OF 28TH MARCH, 1951.
LEGISLATION.

THE STATUTE LAWS OF CYPRUS

No. 14 OF 1951.

A LAW TO AMEND THE WORKMEN'S COMPENSATION LAWS,
1942 TO (No. 2) 1944.

A. B. WRIGHT,]
Governor.

[28th March, 1951.

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

Cap. 216

1. This Law may be cited as the Workmen's Compensa- Short title.
tion (Amendment) Law, 1951, and shall be read as one
with the Workmen's Compensation Laws, 1942 to (No. 2) 30 of 1942
1944 (hereinafter referred to as "the principal Law"), 2 of 1944
and the principal Law and this Law may together be cited 11 of 1944
as the Workmen's Compensation Laws, 1942 to 1951.

Amendment
of section 2
(1) of the
principal
Law.

2. The proviso to sub-section (1) of section 2 of the principal Law is hereby amended as follows :—

- (a) by the deletion therefrom of paragraph (a) and the substitution therefor of the following paragraph :—
“ (a) persons, employed otherwise than by way of manual labour, whose remuneration exceeds four hundred pounds a year ; or ” ;
- (b) by the deletion therefrom of paragraph (f) and the substitution therefor of the following paragraph :—
“ (f) domestic servants employed in private dwelling houses ; or ” ;
- (c) by the deletion therefrom of paragraph (g) and the re-lettering of paragraphs (h) and (i) as paragraphs (g) and (h).

Amendment
of section 3
of the
principal
Law.

3. The definitions of “ partial incapacity ” and “ total incapacity ” in section 3 of the principal Law are hereby amended by the deletion of the word “ Schedule ” wherever it occurs and the substitution therefor of the words “ First Schedule ”.

Amendment
of section 4
of the
principal
Law.

4. Section 4 of the principal Law is hereby amended by the deletion therefrom of the words “ 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 : ” and the substitution therefor of the following words :—

“ 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—

- (a) persons in the naval or military or air service of the Crown ; and
- (b) persons in the civil employment of His Majesty otherwise than in His Government of the Colony,

and shall also apply to all civilian employees engaged locally by any person coming within paragraph (a) or (b) above : ”

Amendment
of section 5
of the
principal
Law.

5. Section 5 of the principal Law is hereby amended as follows :—

- (a) by the deletion of the word “ seven ” in paragraph (a) of the proviso thereto (line 2) and the substitution therefor of the word “ four ” ;

(b) by the insertion therein of the following sub-section (2), the first part thereof being numbered as sub-section (1) :—

“(2) For the purposes of this section, but subject always to the provisions of sub-paragraph (ii) of paragraph (b) of the proviso to sub-section (1), an accident resulting in the death or permanent incapacity of a workman shall be deemed to arise out of and in the course of his employment, notwithstanding that the workman was at the time when the accident happened acting in contravention of any orders given by or on behalf of his employer, or that he was acting without instructions from the employer, if such act was done by the workman for the purposes of and in connection with his employer’s trade or business.”

6. Section 6 of the principal Law is hereby amended as follows :—

Amendment
of section 6
of the
principal
Law.

(a) by the deletion in paragraph (a) thereof of the words “thirty-six” (line 3) and “four hundred and fifty” (line 4) and the substitution therefor of the words “forty-two” and “six hundred”, respectively ;

(b) by the deletion in paragraph (a) thereof of the proviso thereto and the substitution therefor of the following proviso :—

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

(c) by the deletion in paragraph (c) thereof of the word “fifteen” (line 5) and the substitution therefor of the word “thirty”.

7. Section 7 of the principal Law is hereby amended as follows :—

Amendment
of section 7
of the
principal
Law.

(a) by the deletion in paragraph (a) thereof of the words “forty-two” (line 1) and “six hundred” (line 2) and the substitution therefor of the words “forty-eight” and “eight hundred”, respectively ;

(b) by the deletion in paragraph (b) thereof of the words “six hundred” (line 2) and the substitution therefor of the words “eight hundred”.

Amendment
of section 8
of the
principal
Law.

8. Sub-section (1) of section 8 of the principal Law is hereby amended by the deletion of the word "Schedule" wherever it occurs and the substitution therefor of the words "First Schedule".

Amendment
of section
9 of the
principal
Law.

9. Sub-section (1) of section 9 of the principal Law is hereby repealed and the following sub-section substituted therefor:— 10

"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 monthly payment of two-thirds 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—

- (a) no periodical payment under the provisions of this section shall be at a higher rate than fifteen pounds a month;
- (b) if the incapacity lasts less than four weeks, no compensation shall be payable in respect of the first three days;
- (c) 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 section 7 or 8, as the case may be, if the incapacity were permanent;
- (d) any lump sum payable under section 7 or 8 shall not be disturbed by reason of periodical payments having been made under this section in the event of permanent incapacity following after total temporary incapacity or after partial temporary incapacity."

22/52.

(e)

10. Sub-section (2) of section 12 of the principal Law is hereby repealed and the following sub-section substituted therefor :—

Amendment of section 12 of the principal Law.

“(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, thereupon, any sum so paid, unless the Court shall for special reasons direct it to be paid forthwith to the person entitled thereto in whole or in part, shall be paid to him by periodical payments at such intervals as the Court may direct or it shall be invested, applied or otherwise dealt with for the benefit of such person in such manner as the Court thinks fit.”

11. Sub-section (2) of section 19 of the principal Law is hereby amended by the deletion therefrom of the words “less any amount which he has already received by way of periodical payments” (lines 7, 8 and 9) and the substitution therefor of the words “and such lump sum shall be dealt with in accordance with the provisions of sub-section (2) of section 12.”

Amendment of section 19 (2) of the principal Law.

12. The principal Law is hereby amended by the insertion therein, immediately after section 28, of the following sections :—

Insertion of new sections 28A, 28B and 28C.

“Medical referees.

28A.—(1) The Governor may appoint such qualified medical practitioners, as he may determine, to be medical referees for the purposes of this Law and the remuneration of, and other expenses incurred by, medical referees under this Law shall be paid according to rules made by him.

(2) Where a medical referee has been employed as a medical practitioner in connection with any case by or on behalf of an employer or workman or by any insurers interested, he shall not act as medical referee in that case.

28B.—(1) Where—

(a) a medical referee certifies that a workman is suffering from a disease mentioned in the Second Schedule hereto and is thereby incapacitated from earning full wages at the work at which he was employed ; or

(b) the death of a workman is caused by any such disease, and the disease is due to the nature of any employment in which the workman was employed at any

Application of Law to industrial diseases.

Repealed by sec
of 67/55 new sec
28A
28B
28C.
Substituted

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 time within the twelve months previous to the date of the incapacity, whether under one or more employers, he or his dependants shall be entitled to compensation under this Law as if the disease as aforesaid were a personal injury by accident arising out of and in the course of that employment, subject to the following modifications:—

- (i) the incapacity shall be treated as the happening of the accident ;
- (ii) if it is proved that the workman has at the time of entering the employment wilfully and falsely represented himself in writing as not having previously suffered from the disease, compensation shall not be payable ;
- (iii) the compensation shall be recoverable from the employer who last employed the workman during the said twelve months in the employment to the nature of which the disease was due :

Provided that—

- (a) the workman or his dependants if so required shall furnish that employer with such information as to the names and addresses of all the other employers who employed him in the employment during the said twelve months as he or they may possess, and, if such information is not furnished, or is not sufficient to enable that employer to take proceedings under paragraph (b) of this proviso, that employer upon proving that the disease was not contracted whilst the workman was in his employment shall not be liable to pay compensation ; and
- (b) if that employer alleges that the disease was in fact contracted

whilst the workman was in the employment of some other employer, and not whilst in his employment, he may join such other employer as a party to any proceedings under this Law and if the allegation is proved that other employer shall be the employer from whom the compensation is to be recoverable ; and

- (c) if the disease is of such a nature as to be contracted by a gradual process, any other employers who during the said twelve months employed the workman in the employment to the nature of which the disease was due shall be liable to make to the employer from whom compensation is recoverable such contributions, as, in default of agreement, may be determined by the Court ;
- (iv) the amount of the compensation shall be calculated with reference to the earnings of the workman under the employer from whom the compensation is recoverable ;
- (v) the employer to whom notice of the accident is to be given shall be the employer who last employed the workman during the said twelve months in the employment to the nature of which the disease was due, and the notice may be given notwithstanding that the workman has voluntarily left his employment ;
- (vi) if an employer or a workman is aggrieved by the action of a medical referee in giving or refusing to give a certificate of incapacity, the matter shall upon application to the Director of Medical and Health Services be referred by him to a board of

three medical referees, whose decision shall be final, and the board of medical referees when deciding the matter shall also certify as to the condition of the workman at the time when he is examined by them, and such certificate by the board of medical referees shall be conclusive.

(2) For the purposes of this section the date of incapacity shall be such date as the medical referee certifies as the date on which the incapacity commenced, or, if he is unable to certify such a date, the date on which the certificate is given :

Provided that—

(a) where the board of medical referees allows an appeal against a refusal by a medical referee to give a certificate of incapacity, the date of incapacity shall be such date as the board may determine ;

(b) where a workman dies without having obtained a certificate of incapacity, or is at the time of death not in receipt of a weekly payment on account of incapacity, it shall be the date of death.

(3) The Governor in Council may make orders for extending the provisions of this section to other diseases and other processes, and to injuries due to the nature of any employment specified in the order not being injuries by accident, either without modification or subject to such modifications as may be contained in the order.

(4) Nothing in this section shall affect the rights of a workman to recover compensation in respect of a disease to which this section does not apply, if the disease is a personal injury by accident within the meaning of this Law.

Supple-
mental
provisions as
to industrial
diseases.

28c.—(1) If the workman at or immediately before the date of incapacity as in section 28B provided, was employed in any process mentioned in the second column of the Second Schedule, and the disease contracted is the disease in the first column of that Schedule

set opposite the description of the process, the disease, except where the medical referee certifies that in his opinion the disease was not due to the nature of the employment, shall be deemed to have been due to the nature of that employment unless the employer proves the contrary.

(2) Where a workman claims to be suffering from and incapacitated by a disease to which the provisions of section 28B apply, the employer may agree with the workman that he is liable to pay compensation without requiring the workman to obtain the certificate of the medical referee mentioned in those provisions, and thereupon the workman shall be entitled to compensation as for injury by accident from the date of the agreement or from such other date as may be agreed, and the provisions of section 17 shall apply *mutatis mutandis* to any such agreement.

13. The principal Law is hereby amended by the deletion therefrom of the Schedule thereto and the substitution therefor of the following Schedules :—

New Schedules substituted for existing Schedule.

“ FIRST SCHEDULE.
(Sections 3 and 8).

<i>Injury.</i>	<i>Degree of incapacity per centum.</i>
1. Loss of two limbs	} 100
Loss of both hands or of all fingers and thumbs	
Total loss of sight	
Total paralysis	
Injuries resulting in being bedridden permanently	
Any other injury causing permanent total incapacity	
Loss of remaining eye by one-eyed workman	
Loss of remaining arm by one-armed workman	
Loss of remaining leg by one-legged workman	
Loss of arm at shoulder	
Loss of arm between elbow and shoulder	68
Loss of arm at elbow	67
Loss of arm between wrist and elbow	60-65
Loss of hand at wrist	60
Loss of four fingers and thumb of one hand	60
Loss of four fingers	35
Loss of thumb—both phalanges	25
one phalanx	10
Loss of index finger—three phalanges	10
two phalanges	8
one phalanx	4

<i>Injury.</i>	<i>Degree of incapacity per centum.</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 hip	70
between knee and hip or at knee	40-70
below knee	30
Loss of foot	40
Loss of toes—all	15
great, both phalanges	5
great, one phalanx	2
other than great, if more than one toe lost each	1
Loss of eye—eye out	30
sight of	30
lens of	30
sight of, except perception of light	30
Loss of hearing—both ears	50
one ear	7

2. Total permanent loss of use of member shall be treated as loss of member.

3. The percentage of incapacity for ankylosis of any joint shall be reckoned as from 25 to 100 per centum of the incapacity for loss of the part at that joint, according to whether the joint is ankylosed in a favourable or unfavourable position.

4. 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 centum of the above percentages.

5. Where there are two or more injuries, the sum of the percentages for such injuries may be increased, and, where such injuries are to the hand, the following basis of computing the increase shall be adopted namely :—

- (a) where two digits have been injured, the sum of the percentages shall be increased by twenty per centum of such sum ;
- (b) where three digits have been injured, the sum of the percentages shall be increased by thirty per centum of such sum ;
- (c) where four digits have been injured, the sum total of the percentages shall be increased by forty per centum of such sum :

Provided that the total of the sum of the percentages and the increased percentage shall not exceed the percentage of incapacity for the whole hand.

6. A one-eyed workman who on entering employment has failed to disclose the fact that he is one-eyed to his employer shall, if he loses his remaining eye, be entitled to compensation in respect of a degree of incapacity of thirty per centum only.

7. For the purposes of this Schedule, a one-eyed workman means a workman who has lost the sight of one eye.

SECOND SCHEDULE.
(Sections 28B and 28C).

Description of Disease.	Description of Process.
1. Anthrax.	Handling of wool, hair, bristles, hides, skins, hoofs, horns, animals or animal carcasses.
2. Arsenic poisoning or its sequelae.	Handling of arsenic or its preparations or compounds.
3.—(a) Poisoning by benzene and its homologues, or the sequelae.	Handling of benzene or any of its homologues, or any process in the manufacture or involving the use thereof.
(b) Poisoning by nitro— or amidoderivatives of benzene and its homologues (trinitrotoluene, aniline, and others), or the sequelae.	Handling any nitro— or amidoderivative of benzene or any of its homologues, or any process in the manufacture or involving the use thereof.
4. Poisoning by carbon bisulphide or its sequelae.	Any process involving the use of carbon bisulphide or its preparations or compounds.
5. Cataract in glass workers.	Any process in the manufacture of glass involving exposure to the glare of molten glass.
6. Cataract caused by exposure to rays from molten or red-hot metal.	Any process normally involving exposure to rays from molten or red-hot metal in the manufacture of iron or steel including reheating and rolling iron or steel.
7. Chrome ulceration or its sequelae.	Any process involving the use of chromic acid or bichromate of ammonium, potassium, or sodium, or their preparations.
8. Compressed air illness or its sequelae.	Any process carried on in compressed air.
9. Dermatitis.	Produced by dust or liquids.
10.—(a) Epitheliomatous cancer or ulceration of the skin due to tar, pitch, bitumen, mineral oil or paraffin, or any compound product or residue of any of these substances.	Handling or use of tar, pitch, bitumen, mineral oil or paraffin, or any compound product or residue of any of these substances.
(b) Ulceration of the corneal surface of the eye due to tar, pitch, bitumen, mineral oil or paraffin, or any compound product or residue of any of these substances.	
11. Fluorine poisoning.	Any process involving the use of fluorine or its preparations or compounds.
12. Glanders.	Care of any equine animal suffering from glanders; handling the carcass of such animal.
13. Lead poisoning or its sequelae.	Handling of lead or its preparations or compounds or any work involving the use of lead or its preparations or compounds.
14. Manganese poisoning.	Handling of manganese or substances containing manganese.
15. Mercury poisoning or its sequelae.	Handling of mercury or any process involving the use of mercury or its preparations or compounds.

Description of Disease.	Description of Process.
16. Phosphorus poisoning or its sequelae.	Any process involving the production, liberation or use of phosphorous or its preparations or compounds.
17. Telegraphist's cramp.	Use of telegraphic instruments.
18. Poisoning by tetrachlorethane, trichlorethylene or ethylene dichloride, or the sequelae.	Any process in the manufacture or involving the use of tetrachlorethylene, trichlorethylene or ethylene dichloride.
19. Poisoning by the halogen derivatives or hydrocarbons of the aliphatic series.	Any process involving the production, liberation or utilization of halogen derivatives or hydrocarbons of the aliphatic series.
20. Pathological manifestations due to :—	Any process involving exposure to the action of radium, radio-active substances or X-rays.
(a) radium and other radio-active substances ;	
(b) X-rays.	

2/52. Sec. 4
7A
27A added
28th March, 1951.

J. FLETCHER-COOKE,
Colonial Secretary.