



ORDINANCE NO. 11 OF 1960.  
WORKMEN'S COMPENSATION (AMENDMENT)  
ORDINANCE, 1960.



I assent.

Governor.

29 February, 1960.

## BRITISH GUIANA.

### Arrangement of Sections.

#### Section

1. Short title and commencement.
2. Amendment of section 2(1) of Chapter 111.
3. Amendment of section 8 of Chapter 111.
4. Amendment of section 11(2) of Chapter 111.
5. Amendment of section 12 of Chapter 111.
6. Amendment of section 13(5) of Chapter 111.
7. Amendment of section 38 of Chapter 111.
8. Amendment of section 43 of Chapter 111.
9. Savings.

AN ORDINANCE to amend the Workmen's Compensation Ordinance.

Enacted by the Legislature of British Guiana :—

1. (1) This Ordinance may be cited as the Workmen's Compensation (Amendment) Ordinance, 1960, and shall be construed and read with the Workmen's Compensation Ordinance, hereinafter referred to as the Principal Ordinance, and any Ordinance amending the same.

(2) This Ordinance shall come into operation on such day as the Governor may, by order published in the Gazette, appoint.

2. Subsection (1) of section 2 of the Principal Ordinance is hereby amended —

(a) by the insertion before the definition of the expression "dependant" of the following definition—

' "adult" means a person who is of the age of eighteen years or upwards;';

(b) by the insertion after the definition of the expression "member of a family" of the following definition —

' "minor" means a person who is above the age of fourteen and has not attained the age of eighteen years;'; and

(c) by the repeal of paragraph (a) of the proviso to the definition of the expression "workman" and the substitution therefor of the following paragraph —

" (a) any person employed otherwise than by way of manual labour whose remuneration for the period of twelve months immediately preceding the month in which the accident occurred exceeded twenty-seven hundred dollars or such sum as may from time to time be fixed by order made by the Governor in Council; "

3. (1) Subsection (1) of section 8 of the Principal Ordinance is hereby amended —

(a) by the substitution for the words "eighteen" and "thirty-six" in sub-paragraph (i) of paragraph (a) of the words "twenty-seven" and "fifty-four" respectively;

(b) by the substitution for the words "twenty-eight hundred and eighty" and "fifty-seven hundred and sixty" in sub-paragraph (i) of paragraph (b) of the words "forty-three hundred and twenty" and "eighty-six hundred and forty" respectively;

(c) by the substitution for the words "twenty-eight hundred and eighty" and "fifty-seven hundred and sixty" in sub-paragraph (ii) of paragraph (b) of the words "forty-three hundred and twenty" and "eighty-six hundred and forty" respectively;

(d) by the substitution for the word "fifty" in sub-paragraph (i) of paragraph (d) of the word "seventy-five";

(e) by the repeal of sub-paragraph (ii) of paragraph (d) and the substitution therefor of the following sub-paragraph —

A.D. 1960.

Short title and commencement Cap. 111.

Amendment of section 2(1) of Chapter 111.

Amendment of section 8 of Chapter 111.

“ (ii) where the workman's wages exceed seventy-five dollars per month but do not exceed one hundred and fifteen dollars per month, seventy-five **per centum** of the full wages of a month, with a minimum of seventy-five dollars; ” ;

(f) by the insertion after the word “hundred” in sub-paragraph (iii) of paragraph (d) of the words “and fifty” and by the substitution for the words “seventy-five” and “fifty-seven” in the said sub-paragraph of the words “one hundred and fifteen” and “eighty-seven” respectively;

(g) by the insertion after the word “hundred” in sub-paragraph (iv) of paragraph (d) of the words “and fifty” and by the substitution for the word “sixty-seven” in the said sub-paragraph of the words “one hundred”;

(h) by the repeal of the proviso to paragraph (d).

(2) Subsection (3) of section 8 of the Principal Ordinance is hereby repealed and the following substituted therefor —

“ (3) In fixing the amount of any compensation the court shall have regard to any payment, allowance or benefit, not being a periodic payment or a payment made under section 6 or 38 of this Ordinance, which the workman may have received from the employer after the date of the accident.”

(3) Subsection (4) of section 8 of the Principal Ordinance is hereby amended by the deletion of the words “or is able to earn” and by the addition thereto of the following proviso —

“Provided that if during such period the workman refuses to work in any suitable employment or business which is available at the time of such refusal, his earnings shall, for the purposes of this subsection, be deemed to be equal to the wages payable for such work so long as the incapacity would not prevent him from doing such work and he is not actually earning more than the amount of such wages.”

4. Subsection (2) of section 11 of the Principal Ordinance is hereby amended by the insertion after the word “entitled” of the words “and no deduction from such lump sum shall be allowed by reason of his receipt of compensation by way of the periodic payment prior to such conversion”.

Amendment of section 11(2) of Chapter 111.

5. Section 12 of the Principal Ordinance is hereby amended —

Amendment of section 12 of Chapter 111.

(a) by the repeal of paragraphs (1) and (2) and the substitution therefor of the following —

“ (1) where the workman has returned to work during the period of incapacity;

(2) where the workman's earnings during the period of incapacity have been increased; ” ; and

(b) by the deletion of the words “or partially” in paragraph (3) and by the insertion after the word “accident,” in the said paragraph of the words “or, in respect of a workman

who has during the period of incapacity refused to work in any suitable employment or business which was available at the time of such refusal, that the incapacity would not prevent him from doing such work,”.

Amendment of  
section 13(5)  
of Chapter  
111.

6. Subsection (5) of section 13 of the Principal Ordinance is hereby amended by the substitution for the words “thirty-eight dollars and forty cents” of the words “fifty dollars”.

Amendment of  
section 38 of  
Chapter 111.

7. Section 38 of the Principal Ordinance is hereby amended by renumbering subsection (2) as subsection (3) and by the insertion after subsection (1) of the following subsection —

“(2) Where an interim order is made under the preceding subsection for the payment of such compensation as is provided by this Ordinance in the case of temporary incapacity and the workman’s incapacity is at any time thereafter ascertained to be permanent, no deduction from the lump sum payable to the workman shall be allowed by reason of his receipt of any such compensation.”

Amendment of  
section 43 of  
Chapter 111.

8. Section 43 of the Principal Ordinance is hereby amended —
- (a) by the substitution for the words “a magistrate” in subsection (1) of the words “the Commissioner of Labour”; and
  - (b) by the substitution for the words “the magistrate”, wherever they occur in subsection (2), of the words “the Commissioner of Labour”.

Savings.

9. The provisions of the Principal Ordinance, and any Ordinance amending the same shall, if applicable thereto, continue to apply in the case of any accident happening prior to the commencement of this Ordinance as if this Ordinance had not been enacted.

*Passed by the Legislative Council this seventeenth day of February, nineteen hundred and sixty.*

*Ebony J. Vianee*  
Assistant Clerk of the Legislature.

(M.P. L. 56/9/1 IX).  
(Leg. Bill 7/1960).