

No. 34 of 1969.

THE NATIONAL INSURANCE AND SOCIAL SECURITY ACT,
1969.

THE NATIONAL INSURANCE AND SOCIAL SECURITY
(INDUSTRIAL BENEFIT) REGULATIONS, 1969.

In exercise of the powers conferred upon the Minister by sections 12, 14, 20, 21, 23, 24, 39 and 51 of the National Insurance and Social Security Act, 1969, and by virtue and in exercise of all other powers enabling him in that behalf the following Regulations are hereby made :—

1. These Regulations may be cited as the National Insurance and Social Security (Industrial Benefit) Regulations, 1969 and shall come into operation on the day declared pursuant to section 19(3) of the Act. Citation and commencement.

2. (1) In these Regulations, unless the context otherwise requires — Interpretation

“the Act” means the National Insurance and Social Security Act, 1969; No. 15 of 1969.

“average wage” means —

- (i) in the case of a person paid monthly, the total amount of wages paid in the period of one month previous to the relevant accident; and
- (ii) in the case of a person paid weekly or fortnightly, the total amount of wages in the period of four weeks previous to the relevant accident divided by four :

Provided that if the person concerned did not work for the whole of the said period for the employer by whom he was employed on the day of the relevant accident, the average wage shall be calculated by dividing the total wages paid by that employer in that period (including any wages due for that period but unpaid) by the number of days worked for that employer in the said period and multiplying by six;

“child” in relation to an insured person includes a step-child and any other child, whether legitimate or not, living with the insured person or wholly or partially maintained by him;

“contribution week” means a period of seven days commencing immediately after twelve o'clock midnight on each Sunday and ending at twelve o'clock midnight on the Sunday next following;

“dependant” subject to the proviso below means —

- (a) in relation to the deceased insured person such members of his family as were wholly or partially dependent upon the wages or other income of the

insured person at the time of his death, or would but for the incapacity due to the accident have been so dependent and where the insured person, being the parent or grandparent of an illegitimate child, leaves such a child so dependent on his wages or other income or being an illegitimate child leaves a parent or grandparent so dependent on his wages or other income, shall include such an illegitimate child and parent or grandparent respectively :

- (b) in relation to a person entitled to benefit by way of periodical payments his wife and children under the age of eighteen years living with him and such members of his family over that age (including children) as are wholly or partially dependent upon the beneficiary :

Provided that a person shall not be deemed to have been dependent upon the wages or other income of the deceased insured person or to be dependent upon a person entitled to benefit by way of periodical payments as the case may be unless he was or is dependent partially on that other person for the provision of the ordinary necessities of life;

“hospital” means any institution for the reception and treatment of persons suffering from illness or mental defectiveness, any maternity home, and any institution for the reception and treatment of persons during convalescence or persons requiring medical rehabilitation, and includes clinics, dispensaries and out-patient departments maintained in connection with any such institution or home as aforesaid;

“member of a family” means wife or husband, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother, or half-sister of the deceased insured person or of the person entitled to benefit by way of periodical payments, as the case may be, and shall include such other person as, at the time of the relevant injury or the entitlement to benefit as the case may be, was or is wholly or partially dependent upon the first mentioned person for the ordinary necessities of life;

“registered medical practitioner” means a person duly registered as a medical practitioner under the laws for the time being in force relating to the registration of medical practitioners;

“relevant accident”, “relevant injury” and “relevant loss of faculty” mean respectively, in relation to injury benefit, disablement benefit or death benefit, the accident, injury and loss of faculty in respect of which any of the said benefits is claimed or payable;

“relevant wage” means the amount set out in the fourth column of Part I of the First Schedule in respect of the wage group in which the insured person has paid or has been credited with or has paid and has been credited with, the greatest number of contributions for the period of the last thirteen weeks immediately preceding the week in which the relevant accident occurred:

Provided that in the case of a person insured for industrial benefits only or an insured person who has not been employed for the whole of that period by the employer with whom he was employed on the day of the relevant accident, there shall be substituted for the said wage group the group in which is included the average wage of the insured person;

“Schedule” means a Schedule to these Regulations;

“wage group” means the group set out in the first to third columns of Part I of the First Schedule.

(2) In these Regulations the expression “the husband” or “the wife” in relation to a person who has been married more than once refers to the last husband or wife respectively.

(3) For the purposes of these Regulations —

- (a) a lawfully adopted child shall be treated as if the child is the legitimate issue of the adopter, or if the child has been adopted by two spouses jointly, or by one of two spouses after their marriage, as if the child were the legitimate issue of their marriage, and shall not be treated as being issue of any other person;
- (b) where it is a condition for title to benefit that —
 - (i) a woman is the widow of an insured man the Director may treat a single woman or widow who was living with a single man or widower as his wife at the date of his death as if she were in law his widow: or
 - (ii) a man is the widower of an insured woman, the Director may treat a single man or widower who was living with a single woman or widow as her husband at the date of her death, as if he were in law her widower :

Provided that the Director shall be satisfied that in all the circumstances he or she should be so treated;

- (c) where the question of marriage or re-marriage arises in regard to the title or cessation of title to benefit, the Director shall in the absence of the subsistence of lawful marriage and of any impediment to lawful marriage decide whether or not the person or persons concerned should be treated as if he, she or they were married or as if he or she had remarried, as the case may be, and if so, from what date, and in

determining the question the Director shall have regard to the provisions of sub-paragraph (b) of this paragraph;

- (d) the determination of the Director under sub-paragraph (b) or (c) of this paragraph shall, unless the context otherwise requires, have the effect of extending, as regards title or cessation of title to benefit payable to a man or woman, the meaning of the word "marriage" to include the association between such a single woman or widow as aforesaid with such a single man or widower as aforesaid and the association between such a single man or widower as aforesaid with such a single woman or widow as aforesaid, and for this purpose the words "wife", "husband", "widow", "widower" and "spouse" shall be construed accordingly.

(4) The expression "employment injury" shall have the same meaning as in paragraph (b) of sub-section (1) of section 19 of the Act.

Part 1 — Industrial Benefit for Accidents Injury Benefit

Entitlement to benefit.

3. Subject to the provisions of these Regulations, injury benefit shall be payable to an insured person who at the time of the relevant accident was in insurable employment and who as a result of the relevant injury is incapable of work and for this purpose —

- (a) a person shall be treated as incapable of work for any day on which he is required to abstain from work as a result of the employment injury;
- (b) Sunday or such other day in each week as may be determined by the Director in any particular case or class of case shall not be treated as a day of incapacity for work, and shall be disregarded in computing any period of consecutive days :

Provided that a person in insurable employment shall not be deprived of his entitlement to injury benefit by reason only that under the National Insurance and Social Security (Classification) Regulations, 1969, he is deemed to be other than an employed person.

Day from which benefit is to commence.

4. (1) An insured person who is eligible for injury benefit shall not be entitled to receive such benefit for the first three days of any continuous period of incapacity for work, but only as from the fourth day of any such period.

(2) In determining whether the insured person is incapable of work on the day of the accident, any part of that day before the happening of the accident shall be disregarded.

Manner of claiming and support of claim.

5. A claim for injury benefit shall be made in the prescribed manner and shall be supported by a certificate of a registered medical practitioner or by such other evidence as the Director may require

for the purpose of establishing the insured person's incapacity for work:

Provided that the Director may, for such purpose, require the claimant to attend for, and submit himself to, examination by one or more registered medical practitioners nominated by the Director from a panel of registered medical practitioners approved by the Board.

6. Injury benefit shall be paid for each day (excluding Sunday or such other day in each week as shall have been determined under regulation 3) as long as incapacity for work continues, subject to a maximum of twenty-six weeks in any continuous period of incapacity for work: Duration.

Provided that any two or more periods of incapacity for work arising out of the relevant injury and not separated by more than eight weeks shall be treated as one continuous period of incapacity for work starting on the first day of the first of such periods.

7. (1) The daily rate of injury benefit shall be one-sixth of the sum specified as the weekly injury benefit in column 5 of Part I of the First Schedule opposite the wage group in which the relevant wage falls. Rate of injury benefit.

(2) Where any two or more periods of incapacity for work are treated as one continuous period under regulation 6 the daily rate of benefit payable in respect of any period after the first period of incapacity shall be the daily rate of benefit paid during such first period.

(3) No person shall be allowed injury benefit at a higher rate than the difference between his average weekly wage for the period for which he has worked in the last month in the case of a monthly paid, and four weeks in the case of a weekly or fortnightly paid person, prior to the date of the accident and the weekly amount, if any, paid by his employer as sick pay.

8. An insured person entitled to payment of injury benefit shall be disqualified for receiving such benefit for such period as the Director may decide, but not exceeding six weeks if — Disqualification.

- (a) the claimant has become incapable of work through his own misconduct; or
- (b) the claimant fails, without good cause, to comply with a notice in writing by the Director requiring him to attend for and submit himself to medical or other examination; or
- (c) the claimant fails, without good cause, to observe any of the following rules of behaviour, namely —
 - (i) to refrain from behaviour calculated to retard his recovery, or to answer any reasonable enquiries by an officer of the Board directed to ascertaining whether he is doing so;

- (ii) not to be absent from his place of residence without leaving word where he may be found; or
- (iii) to do no work for which remuneration is or would ordinarily be payable.

Disablement Benefit

Entitlement
to disable-
ment benefit

9. (1) An insured person who at the time of the relevant accident was in insurable employment shall not be entitled to disablement benefit for the first three days (excluding Sunday or such other day in each week as shall have been determined under regulation 3) beginning with the day of the relevant accident.

(2) Subject to the provisions of these Regulations, an insured person who at the time of the relevant accident was in insurable employment shall be entitled to disablement benefit for any day (excluding Sunday or such other day in each week as shall have been determined under regulation 3) after the period mentioned in paragraph (1) of this regulation if as a result of the relevant accident he is suffering from loss of faculty and is not entitled to injury benefit for that day :

Provided that a person in insurable employment shall not be deprived of his entitlement to disablement benefit by reason only that under the National Insurance and Social Security (Classification) Regulations, 1969, he is deemed to be other than an employed person.

(3) For the purposes of this regulation, the extent of disablement shall be assessed, by reference to the disabilities incurred by the claimant as a result of the relevant loss of faculty, in accordance with the following general principles —

- (a) save as hereafter provided in this sub-paragraph, the disabilities to be taken into account shall be all disabilities (whether or not involving loss of earning power or additional expense) to which the claimant may be expected, having regard to his physical and mental condition at the date of assessment, to be subject during the period taken into account by the assessment as compared with a person of the same age and sex whose physical and mental condition is normal;
- (b) no such disability shall be treated as having been incurred as a result of the relevant loss of faculty in so far as the claimant either —
 - (i) would in any case have been subject thereto as the result of congenital defect or of any injury or disease received or contracted before the relevant accident; or
 - (ii) would not have been subject thereto but for some injury or disease received or contracted after, and not directly attributable to, that accident;

(c) the assessment shall be made without reference to the particular circumstances of the claimant other than age, sex, and physical and mental condition.

(4) The period to be taken into account by an assessment of the extent of a claimant's disablement shall be the period —

(a) beginning with the first day of entitlement under paragraph (2) of this regulation and limited either to the claimant's life or to a definite date; and

(b) during which the claimant has suffered and may be expected to suffer from the relevant loss of faculty :

Provided that, if on any assessment the condition of the claimant is not such, having regard to the possibility of changes therein (whether predictable or not), as to allow of a final assessment being made up to the end of the said period —

(a) a provisional assessment shall be made, taking into account such shorter period only as seems reasonable having regard to his condition and the possibility aforesaid; and

(b) on the next assessment the period to be taken into account shall begin with the day after the end of the period taken into account by the provisional assessment.

(5) An assessment shall state the degree of disablement in the form of a percentage, which shall be determined in accordance with the provisions of the Second Schedule, and shall also specify the period taken into account by the assessment and, where that is limited by reference to a definite date as in paragraph (4) of this regulation, whether the assessment is provisional or final :

Provided that —

(a) the said percentage and period shall not be specified more particularly than is necessary for the purpose of determining in accordance with this regulation the claimant's rights to disablement benefit; and

(b) a percentage above fourteen which is not a multiple of ten shall be treated —

(i) if it is a multiple of five, as being the next higher percentage which is a multiple of ten;

(ii) if it is not a multiple of five, as being the nearer percentage which is a multiple of ten;

(c) where a medical board has given a final assessment of the degree of disablement of a claimant, the assessment may be reviewed at any time at the initiative of the medical board or at the request of the Director and the new assessment, if different from the previous one, shall be taken into consideration in determining the claimant's rights to disablement benefit.

Rate or
amount of
benefit

10. (1) Where the extent of the disablement for the period taken into account is assessed as amounting to less than fifteen per centum, disablement benefit shall be a lump sum grant of the amount as provided in Part III of the First Schedule.

(2) Where the extent of disablement is assessed as amounting to fifteen per centum or more, then for the period determined in the assessment, the weekly rate of disablement benefit shall be at the assessed percentage of the injury benefit applicable to the case as specified in column 5 of Part I of the First Schedule:

Provided that where the period of assessment is limited by reference to a definite date, the disablement benefit shall cease on the death of the beneficiary before that date.

Increase of
disablement
benefit during
approved
hospital
treatment

11. Where a beneficiary entitled to disablement benefit enters any hospital for the purpose of receiving approved hospital treatment or rehabilitation, then if the degree of disablement in respect of which the pension is payable was assessed at less than one hundred per centum, it shall be treated for the period for which he received such treatment as if it had been assessed at one hundred per centum.

Death Benefit.

Entitlement
to benefit
of adult de-
pendants.

12. (1) Subject to the provisions of these Regulations, where an insured person in insurable employment dies as a result of the relevant injury, death benefit shall be payable —

- (a) to or for the benefit of the dependants of the deceased, other than those specifically excluded by paragraph (2) of this regulation; and
- (b) either as a periodical payment or as a lump sum, calculated in accordance with these Regulations:

Provided that the dependants of the deceased shall not be deprived of death benefit under these Regulations by reason only that under the National Insurance and Social Security (Classification) Regulations, 1969, the deceased, though in insurable employment, was deemed to be other than an employed person.

(2) The dependants of a person entitled to claim death benefit under paragraph (1) of this regulation shall not include an adult dependant who —

- (a) had died before an award of such benefit in respect of the deceased has been made; or
- (b) is the widow of the deceased unless at the time of his death —
 - (i) she is over fifty-five years of age or incapable of work and this incapacity is likely to be permanent; or
 - (ii) she is pregnant by her late husband; or
 - (iii) she has the care of a child of his or of their marriage under eighteen years of age;

and was either residing with him or receiving, or entitled to receive, from him periodical payments for the maintenance of herself or the children or both of not less than five dollars weekly; or

- (c) is the widower of the deceased unless at the time of her death —
 - (i) he is over fifty-five years of age and incapable of work and this incapacity is likely to be permanent; and
 - (ii) he has no income from any source whether by way of pension or otherwise, other than public assistance under the Poor Relief Ordinance or non-contributory pension under the Old Age Pensions Ordinance; or
- (d) was married to the insured person less than six months before his death if it appears to the Director that the marriage was contracted in anticipation of that death.

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13. (1) A widow or a widower qualifying as a dependant under regulation 12 shall be entitled to death benefit in preference to all other claimants.

Prior entitlement of widow, widower and child.

(2) Every unmarried dependent child who becomes an orphan as a result of the death of —

- (a) an insured person whose death was caused by a relevant injury; or
- (b) a widow or widower in receipt of a death benefit, and who has no stepmother or stepfather with a prior claim shall, in preference to all other claimants, be entitled to death benefit from the day after the death of the deceased if he is then under the age of eighteen years and was wholly or partially maintained by the deceased and shall, subject to the conditions specified in paragraph (c) of regulation 17 continue to receive benefit until he reaches the age of eighteen years.

14. If the insured person dies as the result of a relevant injury and is not survived by a widow, widower or child, entitled to death benefit, a parent of the deceased who is permanently incapable of self-support and who was being wholly or partially maintained by the deceased or who would, but for the relevant accident, have been so maintained shall be entitled to death benefit.

Entitlement of parents to death benefit.

15. (1) Where an insured person dies as a result of a relevant injury and is not survived by a widow, widower, child or parent entitled to death benefit, a lump sum death benefit shall be payable to a dependant or dependants being members of the family of the deceased if at the time of death the dependant was wholly or partially maintained by the deceased or would, but for the relevant accident, have been so maintained, and

Entitlement of other relatives to death benefit.

- (a) if the dependant is a man, is permanently incapable of self-support;

- (b) if the dependant is a woman, is herself permanently incapable of self-support or is living with her husband who is permanently incapable of self-support;
- (c) if the dependant is a child, he is under the age of eighteen years, or being above that age is permanently incapable of self-support.

(2) If there is more than one dependant, the lump sum payable under paragraph (1) of this regulation shall be distributed in such manner as the Director may, in his discretion, consider reasonable.

(3) Where an insured person dies as a result of a relevant injury and leaves no dependants entitled to death benefit, there shall be payable to his creditors or to his estate a lump sum not exceeding the smaller of the following amounts:—

- (a) a sum equal to the reasonable expenses for medical attendance on the deceased for the relevant injury and the reasonable expenses of his burial; or
- (b) the sum of two hundred and fifty dollars.

Form of
death benefit.

16. Except for lump sums payable under regulation 15 all death benefits shall be paid as pensions.

Period for
which pen-
sions payable.

17. Death benefit in the form of pensions shall be payable for the undermentioned periods:—

- (a) to a widow from the date of the death of her husband for life:

Provided that if she remarries or cohabits with a man not her husband, the payment of benefit shall cease from the date of her remarriage or of her cohabitation, as the case may be;

- (b) to a widower from the date of the death of his wife for life, or until he is declared by a medical board to have become capable of work, or until the Director is satisfied that his circumstances have so changed by remarriage or otherwise that he no longer fulfils the condition set out in regulation 12 (2) (c) (ii);
- (c) to an orphan from the date of death of his surviving parent until he reaches the age of sixteen years or, being between the ages of sixteen and eighteen years, he is an unpaid apprentice and not otherwise employed for gain or is receiving full-time education;
- (d) to a parent from the date of death of the deceased for life or until the Director is satisfied that the circumstances of the parent have so changed by remarriage or otherwise that he or she would no longer have been dependent on the deceased person if he had survived.

18. (1) The weekly rates of death benefit for the beneficiaries mentioned in the first column of Part II of the First Schedule shall be the rates set out in relation to them in the second and subsequent columns and shall not exceed the maximum indicated in column 4 thereof.

Rate or amount of death benefit.

(2) Subject to the provisions of paragraph (3) of this regulation the lump sum payable under paragraph (1) of regulation 15 shall be such a sum not exceeding one hundred times the relevant wage as may in the discretion of the Director be reasonable and proportionate to the loss sustained by the said dependant or dependants.

(3) Where the lump sum payable under paragraph (1) of regulation 15 and distributed by the Director under paragraph (2) thereof results in the award to an individual beneficiary of an amount in excess of \$560, the Director shall, in lieu thereof, make from the Fund a periodical payment to the beneficiary of an annuity which, according to actuarial calculations approved by the Board, is equivalent in that case to the said amount:

Provided that until such actuarial calculations have been approved by the Board, the annuity shall be the equivalent of such commercial annuity, approved by the Board, as could be purchased for a person of the age of the beneficiary for such amount as is specified in the award and for the foreseeable period or expectation of life for which the annuity will be payable.

Miscellaneous provisions relating to injury due to industrial accidents.

19. (1) Every insured person who suffers personal injury by accident in respect of which industrial benefit may be payable under these Regulations shall give notice of such accident in writing to his employer as soon as practicable after the happening thereof, on a form approved by the Director:

Notice of accident by insured person.

Provided that any such notice required to be given by an insured person may be given by some other person acting on his behalf and the Director may in any case authorise the employer to dispense with written notice.

(2) Every such notice shall be given 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 insured person is employed at the time of the accident or to any person designated for the purpose by the employer, and shall give the appropriate particulars of the accident.

20. (1) Subject to the following provisions of this regulation, every claimant for, and every beneficiary of, injury benefit or disablement benefit shall comply with every direction given to him by the Director which requires him either—

Obligations of claimants for, and beneficiaries in respect of, injury benefit or disablement benefit.

(a) to submit himself to a medical examination by a medical authority (as defined in paragraph (4) of this regulation) for the purpose of determining the

effect of the relevant accident or the treatment appropriate to the relevant injury or loss of faculty; or

- (b) to submit himself to such medical treatment for the the said injury or loss of faculty as is considered appropriate in his case by the registered medical practitioner in charge of the case or by any medical authority to whose examination he has submitted himself in accordance with the foregoing provisions of these Regulations; or
- (c) to attend any vocational training or industrial rehabilitation course that might be provided, and which, in the opinion of the Director, is appropriate in his case.

(2) Every direction given to a claimant or beneficiary requiring him to submit himself to medical examination shall be given in writing.

(3) Every claimant or beneficiary who, in accordance with the foregoing provisions of this regulation, is required to submit himself to a medical examination or to medical or other treatment for the relevant injury shall attend at such time and place as may be required.

(4) In this regulation the expression "medical authority" means a medical board or registered medical practitioner nominated by the Director from a panel of registered medical practitioners approved by the Board.

(5) Every claimant or beneficiary shall, as soon as may be practicable, notify the Director of any change in circumstances arising after his claim has been made or benefit has been granted which he might reasonably be expected to know might affect the continuance of his right to any benefit awarded or to be awarded to him or to the receipt thereof.

(6) Where a beneficiary entitled to disablement benefit attends a vocational training or industrial rehabilitation course at the request of the Director, then if the degree of disablement in respect of which the disablement benefit is payable is assessed at less than one hundred per centum, it shall, for the period for which he is required by the Director to attend for such vocational training or industrial rehabilitation, be treated as if it had been assessed at one hundred per centum.

PART II

PRESCRIBED DISEASES

21. (1) Where a person has developed any of the diseases specified in the first column of the Third Schedule, being a disease due to the nature of his insurable employment on or after the declared day in any occupation set out against that disease in the second column of that Schedule, the benefits specified in these Regulations shall be payable subject to the conditions set out in these Regulations and for this purpose, in these Regulations—

- (a) any reference to an accident or injury shall include a reference to a prescribed disease;

(b) any reference to the date of an accident or injury shall include —

- (i) if the first claim in respect of the prescribed disease is for injury benefit, a reference to the first day on or after the declared day on which the claimant is incapable of work as the result of the prescribed disease;
- (ii) if the first claim in respect of the prescribed disease is for disablement benefit, a reference to the first day on or after the declared day on which the claimant is suffering from loss of physical or mental faculty as a result of the prescribed disease.

(2) In this regulation "declared day" means the day declared by the Minister pursuant to section 19(3) of the Act.

22. Where a person claims injury benefit or disablement benefit in respect of a prescribed disease for which he has previously received injury benefit or disablement benefit, his earlier claim in respect of that disease shall be disregarded if he is incapable of work and if his incapacity is predominantly due to further exposure to risk of that disease in his insurable employment in any occupation set out against that disease in the second column of the Third Schedule.

Fresh development of prescribed disease.

PART III

MISCELLANEOUS PROVISIONS

23. (1) These Regulations shall apply with the following modifications to persons in insurable employment as masters, members of the crew and apprentices to the sea service on a ship registered in Guyana or as pilots, commanders, navigators and members of the crew of any aircraft registered in Guyana or in any other capacity on board any such ship or aircraft:—

Application to persons employed on ships and aircraft

- (a) the notice of the accident and the claim for benefit, except where the person injured is the master or other person in charge of the ship or aircraft (hereinafter called the "person in charge") may be given to the person in charge as if he were the employer, but, where the accident happened and the incapacity commenced on board the ship or aircraft it shall not be necessary to give any notice of the accident;
- (b) in a case of the death of the person in charge or of a member of the crew resulting from the accident, the application for death benefit under these Regulations shall be made within three months after news of the death has been received by the claimant;
- (c) where the injured person is discharged or left behind in a foreign country, depositions respecting the circumstances and nature of the injury may be taken by a diplomatic or consular officer of Guyana or any

judge or magistrate of that foreign country, and such depositions or certified copies thereof shall be admissible in evidence in any proceedings for enforcing the claim.

(2) In this regulation the word "ship" has the same meaning as in the Law of Merchant Shipping Ordinance.

Cap 3.

Entitlement
to more than
one benefit.

24. (1) Notwithstanding that a person is entitled to two or more benefits at the same time, only one benefit shall be payable to such person. The benefit so payable shall be the benefit first awarded unless any other benefit is payable at a higher rate, in which case he shall be paid the benefit at such higher rate. But if the last mentioned benefit ceases to be payable then nothing shall prevent the award or reinstatement of another benefit to which such person is entitled:

Provided that —

- (a) a person shall be entitled to receive two or more disablement benefits at the same time in so far as the sum of the weekly rates of those benefits does not exceed the weekly rate of disablement benefit to which he would be entitled in respect of loss of faculty which is assessed at one hundred per centum of the relevant wage applicable in his case or of the higher or highest relevant wage where the disablement benefits are assessed on different relevant wages;
- (b) nothing in this regulation shall prevent a person from receiving injury benefit or disablement benefit at the same time as death benefit under these Regulations or as survivor's benefit under the National Insurance and Social Security (Benefit) Regulations, 1969;
- (c) nothing in this regulation shall preclude the payment of sickness benefit or maternity benefit with death benefit;
- (d) any benefit under these Regulations may be paid with funeral benefit.

(2) Where a question arises about two or more benefits which are not allowed to be paid together, and one or more are grants and the rest periodical payments, the benefit payable shall be a periodical payment, unless a grant has already been paid:

Provided that —

- (a) subject to paragraph (b) of this proviso, on cessation of such a periodical payment which is less in total than the grant, the grant may be paid subject to a deduction therefrom of the total amount of the periodical payment;
- (b) where the period covered by the periodical payment referred to in paragraph (a) of this proviso coincides only in part with the period covered by the grant, the deduction shall not exceed the total amount

of the periodical payment for the coincidental period;

- (c) where a grant to which this paragraph refers has already been paid, the periodical payment may be made subject to a deduction therefrom of an amount not exceeding two dollars weekly until either the whole amount of the grant, or the amount applicable to the coincidental period, if any, has been deducted or the periodical payment has ceased, whichever first occurs;
- (d) for the purpose of this regulation, a grant which is a specified number of times the benefit received by a deceased insured person or a specified number of times a percentage of the insured person's wage shall be deemed to be current for a period of that number of weeks from the date of the event which gave rise to the claim for the grant.

25. (1) If it is found that any person has received any sum by way of industrial benefit to which he is not entitled he shall be liable to repay to the Fund the sum so received by him. Refund of benefit improperly paid.

(2) Where any person is liable to repay any sum received by him by way of industrial benefit, that sum may without prejudice to any other remedy, be recovered by means of deductions from any other benefit to which he thereafter becomes entitled.

(3) Any such sum not so recovered within six years after the date on which payment of such sum was last made shall be treated as expenditure on, and charged to, the Fund.

26. (1) For every contribution week for the whole of which an insured person has received injury benefit or disablement benefit during approved hospital treatment under regulation 11 a contribution shall be credited to that person without actual payment thereof. Credited contributions for weeks of injury benefit.

(2) A contribution credited under this regulation shall, subject to the provisions of the National Insurance and Social Security (Benefit) Regulations, 1969, be valid under those Regulations for old age benefit, invalidity benefit, survivor's benefit, sickness benefit, maternity benefit and shall be of the wage group corresponding to or most closely corresponding to that on the basis of which injury benefit or disablement benefit, as the case may be, has been paid.

27. Except as hereinafter provided, a person shall be disqualified for receiving any industrial benefit for any period during which that person is absent from Guyana save that — Special provisions relating to persons absent abroad.

- (a) during such period as the Board may allow having regard to the particular circumstances of the case, a person shall not be disqualified from receiving injury benefit or disablement benefit by reason of being temporarily absent from Guyana for the specific purpose of being treated for incapacity which

commenced before he left Guyana or which commenced outside Guyana as a result of an injury for which benefit would otherwise be payable under these Regulations;

- (b) a person shall not be disqualified for receiving death benefit by reason of being absent from Guyana.

Payment of benefit for which person is eligible under regulation 27.

28. Benefit for which a person is eligible by virtue of regulation 27 shall be paid in Guyana to such representative acting for and on behalf of the person concerned as may be approved by the Board, and the receipt of the person so approved shall be a good discharge to the Board and the Fund for any sum so paid.

Special provisions relating to persons undergoing imprisonment or detention in legal custody.

29. A person shall be disqualified for receiving any benefit for any period during which that person is undergoing imprisonment or detention in legal custody:

Provided that where the Board is satisfied that the person undergoing such imprisonment or detention in legal custody has dependants who immediately prior to such imprisonment or detention were wholly or partially maintained by him, it may authorise payment to or in respect of the dependants of an amount not exceeding three quarters of the benefit which would otherwise be payable during such a period as the Board may allow having regard to the particular circumstances of the case.

Employer to complete form for accident or disease.

30. The employer of a person who has met with an industrial accident or developed a prescribed disease shall complete the appropriate form, approved by the Board, giving to the Director such information as is necessary for the administration of industrial benefit under these Regulations; and shall cause the form, after its completion, to be delivered to the injured person or dependant, as the case may be, to be submitted to the Director with his claim to benefit.

FIRST SCHEDULE (Regulations 7(2), 10(1), 10(2) and 18(1))

RATES AND AMOUNTS OF INDUSTRIAL BENEFITS

PART I — INJURY BENEFIT

WEEKLY RATE OR AMOUNT

Wage group	Actual weekly wage	Corresponding rounded monthly earnings	Relevant wage	Weekly rate of injury benefit
1	2	3	4	5
I	Under \$20.00	Under \$87	\$15	\$18*
II	\$20 to \$29.99	\$ 87 to \$129.99	\$25	\$21*
III	\$30 to \$39.99	\$130 to \$172.99	\$35	\$24
IV	\$40 to \$49.99	\$173 to \$216.99	\$45	\$27
V	\$50 and upwards	\$217 and upwards	\$55	\$33

*In groups I and II injury benefit shall be limited to not more than 100 per centum of the average wage.

PART II — DEATH BENEFIT
WEEKLY RATE OR AMOUNT

Kind of benefit	Basic rate	Increase for each dependant	Maximum benefit payable
1	2	3	4
(i) widow's benefit	Thirty per centum of the relevant wage.	Ten per centum of the relevant wage.	Sixty per centum of the relevant wage.
(ii) widower's benefit	Thirty per centum of the relevant wage.	Ten per centum of the relevant wage.	Sixty per centum of the relevant wage.
(iii) orphan's benefit	Seven dollars	—	—
(iv) parents' allowance	Thirty per centum of the relevant wage.	Ten per centum of the relevant wage.	Sixty per centum of the relevant wage.

PART III — AMOUNTS OF DISABLEMENT GRANTS

Degree of disablement per centum	Amount \$
2	80
3	120
4	160
5	200
6	240
7	280
8	320
9	360
10	400
11	440
12	480
13	520
14	560

SECOND SCHEDULE

(Regulation 9(5))

PRESCRIBED DEGREES OF DISABLEMENT

Serial No.	Description of injury	Degree of disablement per centum
1.	Loss of two limbs	100
2.	Loss of both hands or of all fingers and thumbs	100
3.	Total loss of sight	100
4.	Total paralysis	100
5.	Injuries resulting in being bed-ridden permanently	100
6.	Loss of remaining eye by one-eyed person	100
7.	Loss of remaining arm by one-armed person	100
8.	Loss of remaining leg by one-legged person	100
9.	Loss of a hand and a foot	100
10.	Any other injury causing permanent total incapacity	100
11.	Very severe facial disfigurement	100
12.	Absolute deafness	100

Serial No.	Description of injury	Degree of disablement per centum
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AMPUTATION CASES — UPPER LIMB (EITHER ARM)

13.	Amputation through shoulder joint	80
14.	Amputation of arm between elbow and shoulder	70
15.	Loss of arm at elbow	70
16.	Loss of arm between wrist and elbow	65
17.	Loss of hand at wrist	60
18.	Loss of four fingers and thumb of one hand	60
19.	Loss of four fingers	40
20.	Loss of thumb-both phalanges	30
21.	Loss of thumb-one phalanx	20
22.	Loss of index finger-three phalanges	14
23.	Loss of index finger-two phalanges	11
24.	Loss of index finger-one phalanx	9
25.	Loss of middle finger-three phalanges	12
26.	Loss of middle finger-two phalanges	9
27.	Loss of middle finger-one phalanx	7
28.	Loss of ring finger-three phalanges	7
29.	Loss of ring finger-two phalanges	6
30.	Loss of ring finger-one phalanx	5
31.	Loss of little finger-three phalanges	7
32.	Loss of little finger-two phalanges	6
33.	Loss of little finger-one phalanx	5
34.	Loss of metacarpals-first or second (additional)	5
35.	Loss of metacarpals-third, fourth or fifth (additional)	4
36.	Guillotine amputation of } Index, middle, tip of finger without } ring or little loss of bone } finger	2

Amputation Cases — Lower Limbs

37.	Double amputation through thigh, or through thigh on one side and loss of other foot, or double amputation below knee	100
38.	Double amputation through leg lower than 5 inches below knee	100
39.	Amputation of one leg lower than 5 inches below knee and loss of other foot	100
40.	Amputation of both feet resulting in end-bearing stumps	90
41.	Amputation through both feet proximal to the metatarsophalangeal joint	80
42.	Loss of all toes of both feet through the metatarsophalangeal joint	40
43.	Loss of all toes of both feet proximal to the proximal interphalangeal joint	30
44.	Loss of all toes of both feet distal to the proximal interphalangeal joint	20
45.	Amputation through hip-joint	90
46.	Amputation below hip with stump not exceeding 5 inches in length measured from tip of great trochanter	80
47.	Amputation below hip with stump exceeding 5 inches in length measured from tip of great trochanter, but not beyond middle thigh	70

Serial No.	Description of injury	Degree of disablement per centum
48.	Amputation below middle thigh to 3½ inches below knee	60
49.	Amputation below knee with stump exceeding 3½ inches but not exceeding 5 inches	50
50.	Amputation below knee with stump exceeding 5 inches	40
51.	Amputation of one foot resulting in end-bearing stump	40
52.	Amputation through one foot proximal to the metatarsophalangeal joint	40
53.	Loss of all toes of one foot proximal to the interphalangeal joint, including amputation through the metatarsophalangeal joint	20
54.	Loss of great toe, both phalanges	10
55.	Loss of great toe, one phalanx	5
56.	Loss of great toe, part with some loss of bone	3
57.	Loss of toes other than great toe, each	3
58.	Loss of toe other than great toe-part with some loss of bone	1
59.	Two toes of one foot, excluding great toe—through metatarsophalangeal joint	5
60.	Part with some loss of bone	2
61.	Three toes of one foot excluding great toe—through metatarsophalangeal joint	6
62.	Part with some loss of bone	3
63.	Four toes of one foot excluding great toe—through metatarsophalangeal joint	9
64.	Part with some loss of bone	3

Other Specific Injuries

65.	Loss of one eye, without complications, the other being normal	40
66.	Loss of vision of one eye, without complications of disfigurement of the eye-ball, the other being normal	30
67.	Loss of hearing, one ear	20
68.	Post-traumatic ankylosis of limbs and joints ranging between partial and complete:	

Ankylosis of:	Partial	Complete
(i) Spine	20	40
(ii) Shoulder	30	40
(iii) Elbow	30	30
(iv) Wrist	30	30
(v) Superior and inferior radio-ulnar	30	30
(vi) Thumb (first metacarpophalangeal)	30	30
Finger joints:		
(vii) One joint of any finger excluding thumb	—	3
(viii) All three joints of one finger excluding thumb joints	—	10
(ix) Joints of all fingers excluding thumb	—	30
(x) Finger joints of all fingers including thumb	—	40
(xi) Hip joints	20	40
(xii) Knee	10	19
(xiii) Ankle	10	19

Serial No.	Description of injury	Degree of disablement per centum	
		Partial	Complete
(xiv)	Subtalar (sub-astragaloid group of joints)	.. 10	19
(xv)	Big toe (first metatarsophalangeal)	.. 10	19
(xvi)	Toe joints	.. 5	10

69.

Post-traumatic Paralysis of Limbs or Parts of the Body

(i)	Total paralysis due to spinal cord injury	..	—	100
Paralysis of:				
(ii)	Brachial plexus	50	50
(iii)	Radial nerve	30	50
(iv)	Median nerve	20	40
(v)	Ulnar nerve	20	40
(vi)	Sciatic nerve	50	70
(vii)	Medial popliteal	20	40
(viii)	Lateral popliteal	20	30

1. In the case of a right-handed person, an injury to the right arm or hand, and in the case of a left-handed person, to the left arm or hand, shall be rated ten per centum higher than the above percentage.

2. In the case of a post-traumatic shortening in a lower limb, any disability of that limb shall be rated at ten per centum higher than the percentage of that disability.

3. The degree of disablement of cases not specified in this Schedule shall be assessed on the basis of the general principles referred to in paragraph (3) of regulation 9 of these Regulations, taking into account prescribed cases of equal or similar effect.

THIRD SCHEDULE

(Regulation 21)

PRESCRIBED DISEASES

Description of disease or injury	Nature of occupation
1. Poisoning by:—	Any occupation involving:—
(i) lead or a compound of lead;	the use or handling of, or exposure to the fumes, dust or vapour of, lead or a compound of lead, or a substance containing lead;
(ii) manganese or a compound of manganese;	the use or handling of, or exposure to the fumes, dust or vapour of, manganese or a compound of manganese, or a substance containing manganese;
(iii) phosphorus or phosphine or poisoning due to the anticholinesterase action of organic phosphorus compound;	the use or handling of, or exposure to the fumes, dust or vapour of, phosphorus, or a compound of phosphorus, or a substance containing phosphorus;
(iv) arsenic or a compound of arsenic;	the use or handling of, or exposure to the fumes, dust or vapour of, arsenic or a compound of arsenic, or a substance containing arsenic;
(v) mercury or a compound of mercury;	the use or handling of, or exposure to the fumes, dust or vapour of mercury, or a compound of mercury, or a substance containing mercury;

Description of disease or injury	Nature of occupation
(vi) carbon bisulphide;	the use or handling of, or exposure to the fumes or vapour of, carbon bisulphide or a compound of carbon bisulphide, or a substance containing carbon bisulphide;
(vii) benzene or a homologue;	the use or handling of, or exposure to the fumes of, or vapour containing benzene or any of its homologues;
(viii) a nitro- or amino- or chloro-derivative of benzene or of a homologue of benzene, or poisoning by nitrochlorbenzene;	the use or handling of, or exposure to the fumes of, or vapour containing a nitro- or amino- or chloro-derivative of benzene or of a homologue of benzene or nitrochlorbenzene;
(ix) dinitrophenol or a homologue or by substituted dinitrophenols or by the salts of such substances;	the use or handling of, or exposure to the fumes of, or vapour containing dinitrophenol or a homologue or substituted dinitrophenols or the salts of such substances;
(x) tetrachlorethane;	the use or handling of, or exposure to the fumes of, or vapour containing, tetrachlorethane;
(xi) tri-cresyl phosphate;	the use or handling of, or exposure to the fumes of, or vapour containing tri-cresyl phosphate;
(xii) tri-phenyl phosphate;	the use or handling of, or exposure to the fumes of, or vapour containing, tri-phenyl phosphate;
(xiii) diethylene dioxide (dioxan);	the use or handling of, or exposure to the fumes of, or vapour containing, diethylene dioxide (dioxan);
(xiv) methyl bromide;	the use or handling of, or exposure to the fumes of, or vapour containing methyl bromide;
(xv) chlorinated naphthalene;	the use or handling of, or exposure to the fumes of, or dust or vapour containing, chlorinated naphthalene;
(xvi) nickel carbonyl;	exposure to nickel carbonyl gas;
(xvii) nitrous fumes;	the use or handling of nitric acid or exposure to nitrous fumes;
(xviii) gonioma kamassi (African Box-wood);	the manipulation of gonioma kamassi or any process in or incidental to the manufacture of articles therefrom;
(xix) beryllium or a compound of beryllium;	the use or handling of, or exposure to the fumes, dust or vapour of, beryllium or a compound of beryllium, or a substance containing beryllium;
(xx) cadmium	exposure to cadmium fumes.

Description of disease or injury	Nature of occupation
	Any occupation involving:—
2. Anthrax.	the handling of wool, hair, bristles, hides or skins or other animal products or residues, or contact with animals infected with anthrax;
3. Glanders.	contact with equine animals or their carcasses;
4. (a) Infection by <i>Leptospira icterohaemorrhagiae</i> .	work in places which are, or are liable to be, infested by rats;
(b) Infection by <i>Leptospira canicola</i> .	work at dog kennels or the care or handling of dogs;
5. Ankylostomiasis.	work in or about a mine;
6. (a) Dystrophy of the cornea (including ulceration of the corneal surface) of the eye;	the use or handling of, or exposure to arsenic, tar, pitch, bitumen, mineral oil (including paraffin), soot or any compound, product (including quinone or hydroquinone), or residue of any of these substances;
(b) Localised new growth of the skin, papillomatous or keratotic;	
(c) Squamous-celled carcinoma of the skin, due in any case to arsenic, tar, pitch, bitumen, mineral oil (including paraffin), soot, or any compound, product (including quinone or hydroquinone), or residue of any of these substances.	
7. Inflammation, ulceration or malignant disease of the skin or subcutaneous tissues or of the bones or blood dyscrasia, or cataract, due to electro-magnetic radiations (other than radiant heat), or to ionising particles.	exposure to electro-magnetic radiations other than radiant heat, or to ionising particles;
8. Heat cataract.	frequent or prolonged exposure to rays from molten or red-hot material;
9. Decompression sickness.	subjection to compression or rarefied air;
10. Cramp of the hand or forearm due to repetitive movements.	prolonged periods of handwriting, typing or other repetitive movements of the fingers, hand or arm;
11. Subcutaneous cellulitis of the hand (Beat hand).	manual labour causing severe or prolonged friction or pressure on the hand;
12. Bursitis or subcutaneous cellulitis arising at or about the knee due to severe or prolonged external friction or pressure at or about the knee (Beat knee).	manual labour causing severe or prolonged external friction or pressure at or about the knee;
13. Bursitis or subcutaneous cellulitis arising at or about the elbow due to severe or prolonged external friction or pressure at or about the elbow (Beat elbow).	manual labour causing severe or prolonged external friction or pressure at or about the elbow;

Description of disease or injury	Nature of occupation
14. Traumatic inflammation of the tendons of the hand or forearm, or of the associated tendon sheaths.	Any occupation involving :— manual labour, or frequent or repeated movements of the hand or wrist;
15. Miner's nystagmus.	work in or about a mine;
16. (a) Carcinoma of the mucous membrane of the nose or associated air sinuses.	work in a factory where nickel is produced by decomposition of a gaseous nickel compound which necessitates working in or about a building or buildings where that process or any other industrial process ancillary or incidental thereto is carried on;
(b) Primary carcinoma of a bronchus or of a lung.	
17. Tuberculosis.	close and frequent contact with a source or sources of tuberculosis infection by reason of employment—
	(a) in the medical treatment of nursing of a person or persons suffering from tuberculosis, or in a service ancillary to such treatment or nursing;
	(b) in attendance upon a person or persons suffering from tuberculosis, where the need for such attendance arises by reason of physical or mental infirmity;
	(c) as a research worker engaged in research in connection with tuberculosis;
	(d) as a laboratory worker, pathologist or person taking part in or assisting at post-mortem examinations of human remains where the occupation involves working with material which is a source of tuberculous infection;
18. Primary neoplasm of the epithelial lining of the urinary bladder (papilloma of the bladder), of the epithelial lining of the renal pelvis or of the epithelial lining of the ureter.	(a) work in a building in which any of the following substances is produced for commercial purposes:—
	(i) alpha-naphthylamine or betanaphthylamine;
	(ii) diphenyl substituted by at least one nitro or primary amino group or by at least one nitro and primary amino group;
	(iii) any of the substances mentioned in sub-paragraph (ii) above if further ring substituted by halogene, methyl or methoxy groups, but not by other groups;
	(iv) the salts of any of the substances mentioned in sub-paragraphs (i) to (iii) above;

Description of disease or injury	Nature of occupation
18. Primary neoplasm.. (Cont'd.)	<p>Any occupation involving:—</p> <p>(v) auramine or magenta;</p> <p>(b) the use or handling of any of the substances mentioned in sub-paragraphs (i) to (iv) of paragraph .a), or work in a process in which any such substance is used or handled or is liberated;</p> <p>(c) the maintenance or cleaning of any plant or machinery used in any such process as mentioned in paragraph (b), or the cleaning of clothing used in any such building as is mentioned in paragraph (a) if such clothing is cleaned within the works of which the building forms a part or in a laundry maintained and used solely in connection with such works;</p>
19. Inflammation or ulceration of the mucuous membrane of the upper respiratory passages or mouth produced by dust, liquid or vapour.	exposure to dust, liquid or vapour;
20. Non-infective dermatitis of external origin (including chrome ulceration of the skin but excluding dermatitis due to ionising particles or electro-magnetic radiations other than radiant heat).	exposure to dust, liquid, or vapour or any other external agent capable of irritating the skin (including friction or heat but excluding ionising particles or electro-magnetic radiation other than radiant heat);
21. Pulmonary disease due to the inhalation of the dust of mouldy hay or of other mouldy vegetable produce, and characterised by symptoms and signs attributable to a reaction in the peripheral part of the broncho-pulmonary system, and giving rise to a defect in gas exchange. (farmer's lung).	<p>exposure to the dust of mouldy hay or other mouldy vegetable produce by reason of employment —</p> <p>(a) in agriculture, horticulture or forestry; or</p> <p>(b) loading or unloading or handling in storage such hay or other vegetable produce; or</p> <p>(c) handling bagasse;</p>
22. Primary malignant neoplasm of the mesothelium (diffuse mesothelioma) of the pleura or of the peritoneum.	<p>(a) the working or handling of asbestos or any admixture of asbestos;</p> <p>(b) the manufacture or repair of asbestos textiles or other articles containing or composed of asbestos;</p> <p>(c) the cleaning of any machinery or plant used in any of the foregoing operations and of any chambers, fixtures and appliances for the collection of asbestos dust;</p> <p>(d) substantial exposure to the dust arising from any of the foregoing operations.</p>

Made this 15th day of December, 1969.

W. CARRINGTON,
Ministry of Labour and Social Security.