

PARLIAMENT OF CEYLON

1st Session 1956-57



Workmen's Compensation (Amendment)

Act, No. 31 of 1957

Date of Assent : May 2, 1957

Printed on the Orders of Government

Printed at the GOVERNMENT PRESS, CEYLON. To be purchased at the GOVERNMENT PUBLICATIONS BUREAU, COLOMBO
Annual Subscription (including Bills) Rs. 25, payable in advance to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, POST OFFICE BOX 500, Secretariat, Colombo 1

Price : 25 cents.

Postage : 10 cents.

L. D.—O.7/52.

AN ACT TO AMEND THE WORKMEN'S COMPENSATION
ORDINANCE.

Chapter 117.
Vol. III.,
page 392.

[Date of Assent: May 2, 1957]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the Workmen's Compensation (Amendment) Act, No. 31 of 1957.

Short title.

2. Section 2 (1) of the Workmen's Compensation Ordinance (hereinafter referred to as the "principal enactment") is hereby amended, in the definition of "workman", as follows:—

Amendment of
section 2 of
Chapter 117.

(1) by the substitution, for the words "three hundred rupees", of the words "four hundred rupees";

(2) by the substitution, in paragraph (b) of that definition, for the words "or of any Defence Force Corps constituted under the Defence Force Ordinance", of the words "other than a person employed in a civilian capacity in any of those forces".

3. Section 4 of the principal enactment is hereby amended by the repeal of sub-section (1) thereof and by the substitution, for that sub-section, of the following sub-section:—

Amendment of
section 4 of
the principal
enactment.

"(1) If a workman—

(a) contracts an occupational disease described in the first column of Part A of Schedule III whilst he is employed in any process described in the corresponding entry in the second column of that Part, or

(b) contracts an occupational disease described in the first column of Part B of the aforesaid Schedule whilst he is in the service of an employer in whose service he has been employed for a continuous period of not less than six months in any process described in the corresponding entry in the second column of that Part,

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the contracting of the disease shall be deemed to be an injury by accident within the meaning of section 3, and, unless the employer proves the contrary, the accident shall be deemed to have arisen out of and in the course of the employment."

Amendment of
section 11 of
the principal
enactment.

4. Section 11 of the principal enactment is hereby amended, in sub-section (1) thereof,—

(a) by the substitution, for the words "any dependant", of the words "one or more of the dependants", and

(b) by the substitution, for the words "that dependant", of the words "the dependant or dependants".

Amendment of
section 16 of
the principal
enactment.

5. Section 16 of the principal enactment is hereby amended, in sub-section (1) thereof, by the substitution, for the words "six months" wherever those words occur in that sub-section, of the words "one year".

Amendment of
section 20 of
the principal
enactment.

6. Section 20 of the principal enactment is hereby amended by the repeal of sub-section (2) of that section and by the substitution, for that sub-section, of the following sub-section:—

"(2) Where an employer is served with a notice under sub-section (1), he shall, unless he disclaims liability to deposit compensation on any ground other than the ground that there are no dependants of the deceased workman, make the deposit within thirty days after the service of the notice."

Amendment of
section 21 of
the principal
enactment.

7. Section 21 of the principal enactment is hereby amended by the repeal of sub-section (6) thereof and the substitution therefor of the following sub-section:—

"(6) Where the employer of an injured workman offers to him the services of a registered medical practitioner free of charge and—

(a) the workman accepts such offer but deliberately disregards the instructions of the registered medical practitioner, or

(b) the workman refuses to accept such offer and thereafter either fails to take treatment regularly from a registered medical practitioner or whilst being regularly attended by a registered medical practitioner deliberately disregards the instructions of such practitioner,

then, if the disregard referred to in paragraph (a) or the refusal and failure or disregard referred to in paragraph (b) is or are unreasonable in the circumstances of the case and the injury is aggravated thereby, the injury and the resulting disablement shall be deemed to be of the same nature and duration as they might reasonably be expected to be if the workman had been regularly attended by a registered medical practitioner and had not deliberately disregarded the instructions of such practitioner; and compensation, if any, shall be payable accordingly.”.

8. Section 40 of the principal enactment is hereby amended, by the substitution for the words “or to enforce any liability incurred under this Ordinance.” of the words “or, except as provided in section 41 (2), to enforce any liability incurred under this Ordinance.”

Amendment of
section 40 of
the principal
enactment.

9. Section 41 of the principal enactment is hereby amended as follows:—

Amendment of
section 41 of
the principal
enactment.

(1) by the re-numbering of that section as sub-section (1) of section 41 ;

(2) by the addition, immediately after re-numbered sub-section (1), of the following sub-section:—

“(2) If any sum referred to in sub-section (1) cannot be recovered in the manner specified in that sub-section within six months from the date on which such sum becomes due from the person liable to pay it, the Commissioner may make application, where such sum exceeds three hundred rupees, to the District Court or, where such sum does not exceed three hundred rupees, to the Court of Requests, within whose jurisdiction such person resides, for the recovery of such sum by the seizure and sale of the immovable property of such person, and, upon such application being made, the court shall issue to the Fiscal a writ for the recovery of such sum by the seizure and sale of such immovable property. The provisions of the Civil Procedure Code relating to the seizure and sale of immovable property by the Fiscal

in execution of a writ issued by a court and to the making and adjudication of claims in respect of immovable property seized by the Fiscal shall apply to the seizure and sale of immovable property for the recovery of the sum specified in the Commissioner's application and to the making and adjudication of claims in respect of immovable property seized for the recovery of such sum. For the purpose of the application of such provisions the sum so specified shall be deemed to be due on a decree entered by the court and the Commissioner shall be deemed to be the judgment creditor and the person liable to pay such sum shall be deemed to be the judgment debtor. ”; and

- (3) by the substitution, for the marginal note to that section, of the following marginal note:—

“ Recovery of amounts due. ”.

Amendment of
section 43 of
the principal
enactment.

10. Section 43 of the principal enactment is hereby amended by the substitution, for the words “ shall be liable to pay the full amount ”, of the words “ shall be guilty of an offence and shall, on conviction after summary trial by a Magistrate, be liable to pay a fine not exceeding one thousand rupees, and shall also be liable to pay the full amount ”.

Amendment of
section 48 of
the principal
enactment.

11. Section 48 of the principal enactment is hereby amended by the addition, at the end of that section, of the following sub-section:—

“ (6) Every petition of appeal shall be accompanied by a duplicate thereof, and the Registrar of the Supreme Court shall transmit such duplicate to the Commissioner. ”.

Amendment of
Schedule II to
the principal
enactment.

12. Schedule II to the principal enactment, as amended by regulations made under that enactment and published in the *Gazette* of April 28, 1944, and in the *Gazette* of October 6, 1950, is hereby further amended as follows:—

- (1) in clause 3 of that Schedule by the substitution, for the expression “ twenty-five ” of the expression “ ten ”;
- (2) in clause 7 (a) of that Schedule by the omission of all the words from “ which ” to “ roof ”;

- (3) in clause 29 of that Schedule by the omission of the words "in any Government Department";
- (4) in clause 34 of that Schedule by the substitution, for the word "thereof.", of the following:—
" thereof; or ";
- (5) by the addition, at the end of that Schedule, of the following clauses:—
" 35. employed in any radio rediffusion service; or
36. employed as a carter; or
37. employed in, or in connection with, the catching of fish; or
38. employed, otherwise than in a clerical capacity, on any premises wherein the business of maintaining or repairing any machinery or vehicles is carried on; or
39. employed as a performer in any circus or acrobatic show; or
40. employed in a meat stall; or
41. employed in the transport of fish; or
42. employed in a petrol depot."

13. Schedule III to the principal enactment is hereby repealed and the following new Schedule is substituted therefor:—

Replacement of Schedule III to the principal enactment.

SCHEDULE III

(section 4)

Part A

Description of Occupational Disease	Description of Process
Anthrax	Any employment— (a) involving the handling of— (i) wool, hair, bristles or animal carcasses or parts of such carcasses, including hides, hoofs and horns, or (ii) articles manufactured therefrom; or (b) in connection with animals infected with anthrax
Compressed air illness or its sequelae	Any process carried on in compressed air
Poisoning by lead tetra-ethyl ..	Any process involving the use of lead tetra-ethyl
Poisoning by nitrous fumes ..	Any process involving exposure to nitrous fumes

Part B

Description of Occupational Disease	Description of Process
Arsenical poisoning or its sequelae	Any process involving the production, liberation or utilisation of arsenic or its compounds
Chrome ulceration or its sequelae	Any process involving the use of chromic acid or bichromate of ammonium, potassium or sodium or their preparations
Lead poisoning or its sequelae excluding poisoning by lead tetra-ethyl	Any process involving the use of lead or any of its preparations or compounds except lead tetra-ethyl
Mercury poisoning or its sequelae	Any process involving the use of mercury or its preparations or compounds
Pathological manifestations due to—	
(a) radium and other radio-active substances ;	Any process involving exposure to the action of radium, radio-active substances, or X-rays
(b) X-rays	
Phosphorus poisoning or its sequelae	Any process involving the use of phosphorus or its preparations or compounds
Poisoning by benzene and its homologues, or the sequelae of such poisoning	Handling benzene or any of its homologues and any process in the manufacture or involving the use of benzene or any of its homologues
Poisoning by nitro or amido derivatives of benzene and its homologues or the sequelae of such poisoning	Handling any nitro or amido derivatives of benzene or any of its homologues, or any process in the manufacture or involving the use thereof
Poisoning by the halogen derivatives of hydro-carbons of the aliphatic series	Any process involving the production, liberation or utilization of halogen derivatives of hydro-carbons of the aliphatic series
Primary epitheliomatous cancer of the skin	Any process involving the handling or use of tar, pitch, bitumen, mineral oil, paraffin, or the compounds, products or residues of these substances

Amendment of
Schedule IV to
the principal
enactment.

14. Schedule IV to the principal enactment is hereby amended as follows:—

(1) in column (1) of that Schedule—

(a) by the insertion of the amount “ 300 ” at the end of that part of that column which contains the words “ More than—”; and

(b) by the insertion of the amount “ 300 ” at the end of that part of that column which contains the words “ But not more than—”;

(2) in column (2) of that Schedule, by the insertion of the amount “ 4,500 ” at the end of that column;

- (3) in column (3) of that Schedule, by the insertion of the amount " 6,300 " at the end of that column; and
- (4) in column (4) of that Schedule, by the insertion, at the end of that column, of the following:—
" 30 0 ".