

Regulations made under s.50.

EMPLOYMENT INJURIES (CLAIMS) REGULATIONS

(1952.06.26-2)

7.7.1952

Amending enactments	Relevant current provisions	Commencement date
Regs of 14.10.1954	r. 14(2)	
13.9.1956	r. 3	
20.6.1961	r. 14(2)	
19.5.1966	r. 14(2)	
LN. 1973/058	rr. 14(2), 21	
1973/115	r. 14(2)	
1974/107	r. 14(2)	
1975/139	rr. 13(4), (8), (9), 14(2)	
1976/104	r. 14(2)	
1977/138	r. 14(2)	
1978/108	r. 14(2)	
1979/099	r. 14(2)	
1980/111	r. 14(2)	
1981/018	r. 21	
1981/113	r. 14(2)	
1982/084	r. 14(2)	
1983/101	rr. 12(2), 19(1), 20(2)	
1980/993	r. 14(2)	
1984/091	r. 14(2)	1.1.1985
1986/128	r. 14(2)	1.1.1987
1987/171	r. 14(2)	1.1.1988
1988/118	r. 14(2)	1.1.1989

ARRANGEMENT OF REGULATIONS.

Regulation

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SCHEDULE 1.

Notice of personal injury by accident and first medical certificate.

SCHEDULE 2.

Authority to pay injury benefit to another person.

Title.

1. These Regulations may be cited as the Employment Injuries (Claims) Regulations.

Interpretation.

2. In these regulations, unless the context otherwise requires,—

“Department” means the Department of Labour and Social Security;

“gratuity” means a disablement gratuity or death benefit by way of a gratuity;

“pension” means a disablement pension including for this purpose any increase of disablement pension, or death benefit by way of a pension including for this purpose any allowance in respect of a child under section 19(5) of the Act;

“pension order,” means an order for the payment through a designated post office of a weekly sum by way of a pension;

“prescribed medical officer or practitioner” has the meaning assigned to that expression by regulation 6.

Notice of accidents.

3.(1) Subject to the following provisions of this regulation, every insured person who suffers personal injury by accident in respect of which benefit may be payable shall give notice of such accident either in writing or orally within twenty-four hours of the occurrence thereof to a prescribed medical officer or practitioner.

(2) Where an insured person who suffers personal injury by accident has given notice thereof, either in writing or orally to his employer within twenty-four hours of the occurrence of the accident he shall be deemed to have complied with the requirements of section 26(1) of the Act and of sub-regulation(1):

Provided that he shall not be so deemed unless—

- (a) he also gives notice of such accident to a prescribed medical officer or practitioner within three days of the occurrence thereof; and

- (b) the employer gives notice of the accident to the Director where this is necessary to comply with the provisions of the Factories Act.

(3) In this regulation, the expression “employer” includes any foreman or other authorized agent of the employer under whose supervision the insured person was employed at the time of the accident and any other person designated by the employer for the purposes of this regulation.

(4) Any notice required to be given by an insured person may be given by some other person acting on his behalf, and where the accident results in the death of the insured person may be given by or on behalf of any claimant to benefit.

Obligations of employers.

4. (1) Every employer shall take reasonable steps to investigate the circumstances of every accident suffered by any of his employees which may give rise to a claim to benefit, and where such accident causes loss of life to the insured person or disables him for more than three days from earning full wages at the work at which he was employed at the time of such accident, the employer shall send the insurance card of the insured person to the Director forthwith.

(2) Every employer who is required so to do shall furnish to the Director within such reasonable period as may be required, such information and particulars as shall be required of any accident or alleged accident in respect of which benefit may be payable to or in respect of the death of a person employed by him at the time of the accident or alleged accident.

Obligations of medical practitioners.

5. Any prescribed medical officer or practitioner to whom notice of an accident is given in accordance with the provisions of regulation 3(1) shall within three days of the date of such notice send to the Director written notice of the accident in the form and accompanied by the particulars set out in Schedule 1.

Prescribed medical officers and practitioners.

6. The prescribed medical officers and practitioners for the purposes of sections 26 and 30 of the Act and for the purposes of these regulations shall be—

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- (a) any medical officer or practitioner whose name appears on the current register of medical practitioners under the Medical and Health Act;
- (b) any medical officer or practitioner on the staff of any hospital in Gibraltar;
- (c) in the case only of civilian employees of the Ministry of Defence, any medical officer serving in Gibraltar in the armed forces of the Crown ; and
- (d) any medical practitioner appointed in that behalf by the Director on the advice of the Medical Registration Board.

Manner of claiming benefit.

7.(1) Every claim to benefit shall be made in writing to the Director on the form approved by him for the purpose of the benefit for which the claim is made or in such other manner being in writing as he may accept as sufficient in the circumstances of any particular case or class of cases.

(2) Notwithstanding the provisions of sub-regulation (1), for the purpose of section 26(1) of the Act the date on which the notice of the accident was first given in accordance with the provisions of regulation 3 shall be regarded as the date on which the claim to benefit was first made.

(3) Claim forms shall be supplied without charge by such persons as the Director may appoint or authorize for that purpose.

Information to be given when making a claim.

8.(1) Every person who makes a claim to benefit shall furnish to the Director such certificates, documents, information and evidence for the purpose of determining the claim as may reasonably be required by him.

(2) Every person who makes a claim to benefit or to an increase of benefit in respect of a child shall furnish a certificate of birth of the child and information to show the amounts contributed by any person towards his maintenance.

(3) Every person who makes a claim to an increase of benefit in respect of a dependant adult shall furnish if required the following information concerning such dependant adult:—

- (a) his identity, date of birth, usual place of residence, occupation and relationship to the claimant ;
- (b) his available sources of income and the amounts contributed by any person towards his maintenance, and
- (c) in the case of an increase in respect of a wife or husband, a certificate of the marriage,

together with a declaration signed by the dependant confirming the information given.

Amendment of claim forms.

9. Any person who has made a claim to benefit in accordance with the provisions of these regulations may amend his claim at any time before a decision has been given thereon, by notice in writing delivered or sent to the Director, and any claim so amended shall be treated as if it had been made as so amended in the first instance.

Time for claiming.

10.(1) Every claim to injury benefit shall be made within the period of seven days commencing with the first day of incapacity in respect of which the claim is made and at weekly intervals thereafter.

- (2) Every claim to disablement benefit shall be made-
 - (a) in the case of a claimant who as the result of the relevant injury was incapable of work on any day during the injury benefit period, not later than fourteen days after the last day on which he was incapable ; or
 - (b) in any other case not later than fourteen days after the commencement of the injury benefit period.

(3) Every claim to death benefit shall be made within the period of one month beginning with the day of the death in respect of which the claim is made or, if the conditions for the receipt of that benefit cannot be satisfied until some later date, not later than one month after the first day on which those conditions are satisfied.

(4) Every claim to any increase of benefit under sections 16, 17, 18 and 19 of the Act shall be made within the period of fourteen days beginning

with the first day on which the conditions for the receipt of that increase are satisfied.

(5) In this regulation the expression “claim” means a claim to benefit in accordance with the provisions of regulation 7(1).

Increases of benefit to be treated as separate benefits.

11. For the purposes of the provisions of these regulations relating to claims, every increase of benefit under section 16, 17, 18 or 19 of the Act shall be treated as a separate benefit.

Payment of injury benefit.

12.(1) Subject to the provisions of these regulations, injury benefit, including any increase of injury benefit, shall be paid in accordance with an award thereof in cash at the Department on such day as the Director may in any particular case or class of cases direct.

(2) Where the beneficiary is unable owing to the effects of the relevant injury to attend in person at the Department, he may, subject to the approval of the Director, authorise in the form set out in Schedule 2, some other person who has attained the age of 18 years to receive the injury benefit at the Department on his behalf, and such benefit shall be paid to such other person on his producing evidence of his identity.

(3) Notwithstanding anything in the foregoing provisions of this regulation, the Director may in any particular case or class of cases arrange for the payment of injury benefit otherwise than at the Department, including payment in cash in the insured person's home or at any hospital in Gibraltar.

(4) Every beneficiary and every person receiving payment of benefit on behalf of a beneficiary shall give a receipt to the Director for the payment received, and such receipt shall be a good discharge to the Director and the Employment Injuries Insurance Fund for the sum so paid.

Payment of pensions.

13.(1) Subject to the provisions of these regulations, all pensions shall be paid weekly in arrear by means of pension orders at a designated post office.

(2) In every case in which there is an award of a pension, the Director shall cause arrangements to be made whereby on furnishing such evidence

as to identity and such other particulars as may be required, the beneficiary may obtain from the Department a book of pension orders.

(3) The Director shall arrange for the issue to every beneficiary entitled to a pension either at the Department or otherwise, of a fresh book of pension orders on the expiry of the previous book.

(4) All pension orders shall be payable on the day specified in the pension order book which shall be a Monday or any other day which the Director may approve in any particular case.

(5) A book of pension orders issued to any person shall remain the property of the Government.

(6) Any person having a book of pension orders or any unpaid pension order shall, on the termination of the benefit to which such book or order relates or when requested by the Director, send or deliver such book or order to the Department.

(7) Notwithstanding anything contained in the foregoing provisions of this regulation, the Director may in any particular case or class of cases arrange for the payment of any pension otherwise than by means of pension orders payable to the beneficiary.

(8) Where by reason of any provision of the Act or of regulations made thereunder the date as from which a pension would commence or as from which a change in the rate of pension would take effect is a day of the week other than a Tuesday, payment of that pension shall commence, or the change in the rate of the pension shall take effect, as from the Tuesday preceding that day.

(9) Where the last day on which a pension would be paid is a day "of the week other than a Monday, the pension shall cease to be payable in respect of any period after the preceding Monday.

Payment of gratuities.

14.(1) Subject to any specific directions given by the Director in any particular case and subject to the following provisions of this regulation, every gratuity shall be payable in one sum by cheque.

(2) A gratuity or any part thereof shall not unless the Director or the Board, in any particular case so directs, be payable while an appeal is pending against the decision of the Director or of the Board, as the case may be, or before the time for lodging such appeal has expired:

Provided that during the period intervening between the award of any gratuity under section 21 of the Act and the date when in accordance with the foregoing provisions of this paragraph it becomes payable, there shall be paid to the beneficiary on account of such gratuity weekly payments at such rate not exceeding £12.80* as may appear to the Director to be appropriate in the circumstances.

Information to be given when obtaining payment.

15. (1) Every beneficiary and every person by whom or on whose behalf sums payable by way of benefit are receivable shall furnish in such manner and at such times as the Director may determine such certificates and other documents and such information of facts affecting the right to benefit or to the receipt thereof as the Director may require, either as a condition on which any such sum or sums shall be receivable or otherwise.

(2) Where any sum is receivable on account of an increase of benefit for an adult dependant the beneficiary shall, in such cases or classes of cases as the Director may direct, furnish a declaration signed by such dependant confirming the particulars respecting him furnished by the claimant.

Changes of circumstances.

16. Every beneficiary shall as soon as may be practicable, notify the Director in writing of any change of circumstances which he might reasonably be expected to know might affect the continuance of his right to any benefit awarded to him or to the receipt thereof.

Suspension of payments.

17. Where it appears to the Director that a question has arisen whether—

- (a) the conditions for receipt of benefit under an award are or were fulfilled; or
- (b) an award of benefit ought to be revised in accordance with the provisions of Part V of the Act,

he may direct that payment of the benefit shall be suspended in whole or in part until that question has been determined.

* The amendment effected by LN. 1988/118 shall not apply in cases where a gratuity has been awarded in respect of an injury that occurred before 1 January 1989.

Deduction of benefits required to be repaid.

18. Where any benefit is required to be repaid in accordance with the provisions of section 28 of the Act, such benefit may without prejudice to any other method of recovery be deducted—

- (a) from any benefit then or thereafter payable to the person by whom it is to be repaid ; or
- (b) in the case of death, from any benefit due to the deceased, and such deduction may be at such a rate as the Director may determine.

Persons unable to act.

19. (1) In the case of any person to whom benefit is payable or who is alleged to be entitled to benefit or by whom or on whose behalf a claim to benefit has been made and who, by reason of any mental or other incapacity is unable for the time being to act, and where in the case of such person no committee or receiver of his estate has been appointed by the Supreme Court, the Director may upon written application being made to him, appoint a person to exercise on behalf of such person any right to which such person may be entitled under the Act and to receive and deal with any sums payable on behalf of such person :

Provided that—

- (a) any such appointment by the Director shall terminate on the day the Director is notified that a committee or receiver has been appointed ;
- (b) a person who has not attained the age of 18 years shall not be capable of being appointed to act under this regulation ;
- (c) the Director may at any time revoke any appointment made under this regulation ; and
- (d) any person appointed under this regulation may, on giving the Director one month's notice in writing of his intention to do so, resign his appointment.

(2) Anything required by these regulations to be done by or to any such person as aforesaid who is for the time being unable to act may be done by or to the committee or receiver, if any, or by or to the person appointed under this regulation to act on his behalf, and the receipt of any person

appointed under this regulation shall be a good discharge to the Director and the Employment Injuries Insurance Fund for any sum paid.

Payments on death.

20. (1) On the death of a person who has made a claim to benefit or who is alleged to have been entitled to benefit, the Director may appoint such person as he may think fit to proceed with or to make a claim for the benefit, and the provisions of these regulations shall apply subject to the necessary modifications to any such claim.

(2) Subject to the provisions of sub-regulation (3), any sum payable by way of benefit which was receivable by the deceased at the date of his death or which is payable under an award or on a claim made under sub-regulation (1) may be paid or distributed by the Director to or amongst persons claiming as personal representatives, legatees, next of kin or creditors of the deceased (or, where the deceased was illegitimate, to or amongst other persons) and thereupon any such sum shall be receivable by such person or persons:

Provided that—

- (a) the receipt of any such person who has attained the age of 18 years shall be a good discharge to the Director and the Employment Injuries Insurance Fund for the sum so paid; and
- (b) where the Director is satisfied that any such sum or part thereof is needed for the benefit of any person under the age of 18 years, he may obtain a good discharge therefor by paying the sum or part thereof to a person over that age (who need not be a person specified in this paragraph) who satisfies the Director that he will apply the sum so paid for the benefit of the person under the age of 18 years.

(3) No sum payable by way of benefit to the deceased shall be paid or distributed by the Director to or amongst any other persons unless written application for the payment of such sum is made to the Director within six months from the date of the deceased's death or within such longer period as the Director may allow in any particular case.

(4) The Director may dispense with strict proof of the title of any person claiming in accordance with the provisions of this regulation.

Penalty.

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21. A person who contravenes any requirement of these regulations is guilty of an offence and is liable on summary conviction to a fine of £50 or, where the offence consists of continuing any such contravention after conviction thereof, £50 together with a further £10 for every week or part thereof on which it is so continued.

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SCHEDULE 1.

Regulation 5.

NOTICE OF PERSONAL INJURY BY ACCIDENT AND
FIRST MEDICAL CERTIFICATE.

I certify that (name) of
(address), Identity card No employed by of
..... (address) has notified me that he suffered
personal injury by accident at (time) on.....(date) in the
course of his employment.

I have examined him this day and consider that he is incapable of work in
consequence of (nature of disability) and that this
disability could have been incurred in the circumstances described above.

He will be unfit for work untilinclusive, on which date he
should report for re-examination.

Date

Medical officer or practitioner.

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SCHEDULE 2.

Regulations 12(2).

AUTHORITY TO PAY INJURY BENEFIT TO ANOTHER PERSON.

(To be signed by the payee in the presence of a witness other than the agent).

I am unable owing to the effects of the relevant injury to attend in person at the Department of Labour and Social Security and I authorize
(name) Identity Card No..... residing atto receive on my behalf any injury benefit which is payable to me on (date)
* and until further notice.

Signature of beneficiaryIdentity Card No.....Date

Signature of witness.Identity Card No.....Date
(not the agent)

* *Delete as necessary.*