

GUERNSEY STATUTORY INSTRUMENT

1964—No. 33

**The Social Insurance
(Industrial Disablement Benefit)
(Guernsey) Regulations, 1964**

Made 25th November, 1964
Laid before the States .. 16th December, 1964
Coming into Operation .. 4th January, 1965

THE STATES INSURANCE AUTHORITY, in exercise of the powers conferred upon it by section thirty-three of the Social Insurance (Guernsey) Law, 1964, and of all other powers enabling it in that behalf, hereby orders:—

Interpretation

1. (1) In these regulations the expression “the Law” means the Social Insurance (Guernsey) Law, 1964, and any other expressions, except where the context otherwise requires, have the same meanings as in the Law.

(2) Except where the context otherwise requires, any reference in these regulations to any enactment or regulations shall be construed as including a reference to that enactment or those regulations, as the case may be, as amended, repealed, replaced or revoked by or under any other enactment or by any other regulations.

(3) The Interpretation (Guernsey) Law, 1948, shall apply to the interpretation of these regulations

as it applies to the interpretation of a Guernsey enactment.

Assessment of disablement and prescribed degrees of disablement

2. (1) Subsection (2) of section thirty-three of the Law (which subsection lays down general principles relating to the assessment of the extent of disablement) shall have effect subject to the provisions of this regulation.

(2) Where as a result of the relevant accident the claimant has suffered an injury specified in the first column of the Schedule to these regulations then, unless the case is one to which the next following paragraph applies, the loss of faculty suffered by the claimant as a result of that injury shall be treated for the purpose of section thirty-three of the Law (which section relates to industrial disablement benefit) as resulting in the degree of disablement set against such injury in the second column of the said Schedule:

Provided that where a person has suffered an injury specified in the said Schedule which includes any other injury so specified, this paragraph shall only apply to the first mentioned injury.

(3) Where as a result of the relevant accident the claimant has suffered an injury specified in the said Schedule, but—

- (a) as a result of that injury the claimant may be expected, having regard to his physical and mental condition at the date of the assessment in respect thereof, to be subject to greater disabilities than would normally be incurred as a result of such an injury; or
- (b) the part of the body by which the injury was sustained would not, apart from that

injury, have been normal at the date of the assessment;

the loss of faculty suffered by the claimant as a result of such injury shall be assessed by reference to the degree of disablement set against such injury in the second column of the said Schedule subject to such adjustment as may be reasonable in the circumstances of the case.

(4) For the purpose of assessing the extent of the disablement resulting from any injury which is not specified in the said Schedule, the medical board may have such regard as may be appropriate to the provisions of paragraph (2) or paragraph (3) of this regulation.

(5) Where as a result of the relevant accident a claimant has suffered an injury to an organ of his body which in a person whose physical condition is normal would be one of two similar organs, the functions of which would be interchangeable or complementary, in assessing the extent of the disablement resulting from the relevant loss of faculty for any period during which the claimant may be expected to be subject to any disability resulting from that injury—

- (a) any disability in respect of the other organ to which the claimant would in any case have been subject by reason of a congenital defect, or an injury or disease received or contracted before the relevant accident and not attributable to any accident against which he was insured under the Law, shall nevertheless be treated as having been incurred as a result of the relevant loss of faculty;
- (b) subject as hereafter provided in this regulation, any disability in respect of the other organ to which the claimant would not have

been subject but for some injury or disease received or contracted after the relevant accident and not attributable to that accident or any other accident against which he was insured under the Law, shall be treated as having been incurred as a result of the relevant loss of faculty:

Provided that, subject to Proviso (b) to subsection (5) of section thirty-three of the Law (which provides for percentages which are not multiples of ten to be treated as multiples of ten), the degree of disablement which shall be treated as resulting from such relevant loss of faculty shall be that appropriate to one half of the percentage at which the extent of disablement resulting from the relevant loss of faculty would otherwise, and apart from the said proviso (b), be assessed.

(6) The provisions of the last foregoing paragraph shall not have effect in respect of a case to which sub-paragraph (b) thereof relates unless the assessment in respect of the relevant loss of faculty would be thereby increased.

Citation and Commencement

3. These regulations may be cited as the Social Insurance (Industrial Disablement Benefit) (Guernsey) Regulations, 1964, and shall come into operation on the fourth day of January, nineteen hundred and sixty five.

Dated this twenty-fifth day of November, nineteen hundred and sixty-four.

A. QUEVATRE,

President of the States Insurance Authority,
for and on behalf of the Authority.

SCHEDULE Regulation 2

PRESCRIBED DEGREES OF DISABLEMENT

<i>Description of Injury</i>	<i>Degree of Disablement Per Cent.</i>
1. Loss of both hands or amputation at higher sites	100
2. Loss of a hand and a foot	100
3. Double amputation through leg or thigh, or amputation through leg or thigh on one side and loss of other foot	100
4. Loss of sight to such an extent as to render the claimant unable to perform any work for which eyesight is essential	100
5. Very severe facial disfigurement	100
6. Absolute deafness	100
<i>Amputation Cases—Upper Limbs (either arm)</i>	
7. Amputation through shoulder joint ...	90
8. Amputation below shoulder with stump less than 8 inches from tip of acromion	80
9. Amputation from 8 inches from tip of acromion to less than $4\frac{1}{2}$ inches below tip of olecranon	70
10. Loss of a hand or of the thumb and four fingers of one hand or amputation from $4\frac{1}{2}$ inches below tip of olecranon	60
11. Loss of thumb	30
12. Loss of thumb and its metacarpal bone	40
13. Loss of four fingers of one hand	50
14. Loss of three fingers of one hand ...	30
15. Loss of two fingers of one hand	20
16. Loss of terminal phalanx of thumb ...	20
<i>Amputation Cases—Lower Limbs</i>	
17. Amputation of both feet resulting in end-bearing stumps	90

Description of Injury	Degree of Disablement Per Cent.
18. Amputation through both feet proximal to the metatarso-phalangeal joint	80
19. Loss of all toes of both feet through the metatarso-phalangeal joint	40
20. Loss of all toes of both feet proximal to the proximal interphalangeal joint	30
21. Loss of all toes of both feet distal to the proximal interphalangeal joint ...	20
22. Amputation at hip	90
23. Amputation below hip with stump not exceeding 5 inches in length measured from tip of great trochanter	80
24. Amputation below hip ^{or below knee} with stump exceeding 5 inches in length measured from tip of great trochanter ^{or at knee} but not beyond middle thigh ^{not resulting in end-bearing stump}	70
25. Amputation ^{at knee resulting in mid-bearing stump} below middle thigh to $3\frac{1}{2}$ ^{or below knee with stump not exceeding 3 1/2 inches...} inches below knee	60
26. Amputation below knee with stump exceeding $3\frac{1}{2}$ inches but not exceeding 5 inches	50
27. Amputation below knee with stump exceeding 5 inches	40
28. Amputation of one foot resulting in end-bearing stump	30
29. Amputation through one foot proximal to the metatarso-phalangeal joint ...	30
30. Loss of all toes of one foot through the metatarso-phalangeal joint	20
<i>Other Injuries</i>	
31. Loss of one eye, without complications, the other being normal	40
32. Loss of vision of one eye, without complications or disfigurement of eyeball, the other being normal	30

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<i>Description of Injury</i>	<i>Degree of Disablement Per Cent.</i>
<i>Loss of</i>	
<i>A. Fingers of right or left hand</i>	
Index finger—	
33. Whole	14
34. Two phalanges	11
35. One phalanx	9
36. Guillotine amputation of tip without loss of bone	5
Middle finger—	
37. Whole	12
38. Two phalanges	9
39. One phalanx	7
40. Guillotine amputation of tip without loss of bone	4
Ring or little finger—	
41. Whole	7
42. Two phalanges	6
43. One phalanx	5
44. Guillotine amputation of tip without loss of bone	2
<i>B. Toes of right or left foot</i>	
Great toe—	
45. Through metatarso-phalangeal joint ...	14
46. Part, with some loss of bone	3
Any other toe—	
47. Through metatarso-phalangeal joint ...	3
48. Part, with some loss of bone	1
Two toes of one foot, excluding great toe—	
49. Through metatarso-phalangeal joint ...	5
50. Part, with some loss of bone	2
Three toes of one foot, excluding great toe—	
51. Through metatarso-phalangeal joint ...	6

<i>Description of Injury</i>	<i>Degree of Disablement Per Cent.</i>
52. Part. with some loss of bone Four toes of one foot, excluding great toe—	3
53. Through metatarso-phalangeal joint ...	9
54. Part. with some loss of bone	3

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations deal with the assessment of disablement and the prescribed degrees of disablement for the purposes of Part III of the Law.

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