

# GUERNSEY STATUTORY INSTRUMENT

ENTITLED

## **The Social Insurance (Industrial Injuries Benefits) (Guernsey) Regulations, 1978 \***

[CONSOLIDATED TEXT]

### NOTE

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.*

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G.S.I. No. 31 of 1978; as amended by the Guernsey Social Security Authority (Transfer of Functions) Ordinance, 1993 (Recueil d'Ordonnances Vol. XXVI, p. 177); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016); the Social Insurance (Increase of Benefit) (Guernsey) Regulations, 1979 (G.S.I. No. 27 of 1979); the Social Insurance (Increase of Benefit) (Guernsey) Regulations, 1980 (G.S.I. No. 23 of 1980); the Social Insurance (Increase of Benefit) (Guernsey) Regulations, 1982 (G.S.I. No. 24 of 1982); the Social Insurance (Increase of Benefit) (Guernsey) Regulations, 1983 (G.S.I. No. 26 of 1983); the Social Insurance (Increase of Benefit) (Guernsey) Regulations, 1985 (G.S.I. No. 18 of 1985); the Social Insurance (Increase of Benefit) Regulations, 1986 (G.S.I. No. 27 of 1986); the Social Insurance (Increase of Benefit) Regulations, 1987 (G.S.I. No. 32 of 1987); the Social Insurance (Increase of Benefit) Regulations, 1988 (G.S.I. No. 28 of 1988); the Social Insurance (Increase of Benefit) Regulations, 1989 (G.S.I. No. 37 of 1989); the Social Insurance (Increase of Benefit) Regulations, 1990 (G.S.I. No. 28 of 1990); the Social Insurance (Increase of Benefit) Regulations, 1991 (G.S.I. No. 39 of 1991); the Social Insurance (Increase of Benefit) Regulations, 1992 (G.S.I. No. 18 of 1992); the Social Insurance (Increase of Benefit) Regulations, 1993 (G.S.I. No. 24 of 1993); the Social Insurance (Increase of Benefit) Regulations, 1994 (G.S.I. No. 21 of 1994); the Social Insurance (Increase of Benefit) Regulations, 1995 (G.S.I. No. 29 of 1995); the Social Insurance (Increase of Benefit) Regulations, 1996 (G.S.I. No. 30 of 1996); the Social Insurance (Increase of Benefit) Regulations, 1997 (G.S.I. No. 33 of 1997); the Social Insurance (Increase of Benefit) Regulations, 1998 (G.S.I. No. 28 of 1998); the Social Insurance (Increase of Benefit) Regulations, 1999 (G.S.I. No. 50 of 1999); the Social Insurance (Increase of Benefit and Consequential Amendments) Regulations, 2000 (G.S.I. No. 24 of 2000); the Social Insurance (Industrial Injuries Benefits) (Amendment) Regulations, 2002 (G.S.I. No. 51 of 2002). See also the Social Insurance (Collection of Contributions) (Transfer of Functions) Regulations, 2018 (G.S.I. No. 45 of 2018).

# GUERNSEY STATUTORY INSTRUMENT

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## **The Social Insurance (Industrial Injuries Benefits) (Guernsey) Regulations, 1978**

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*(Made on 4th December, 1978.)*

## **The Social Insurance (Industrial Injuries Benefits) (Guernsey) Regulations, 1978**

**THE STATES INSURANCE AUTHORITY**, in exercise of the powers conferred upon it by section forty, section fifty, section fifty-two, section fifty-four, section fifty-five, section fifty-six of the Social Insurance (Guernsey) Law, 1978, and by the Second Schedule and Part II of the Fourth Schedule to that Law and of all other powers enabling it in that behalf, hereby orders: –

### **PART I**

#### **Interpretation.**

**1.** (1) In these regulations, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say –

**"the Claims and Payments Regulations"** means the Social Insurance (Claims and Payments) (Guernsey) Regulations, 1978,

**"determining authority"** means the Administrator or the Tribunal, as the case may require,

**"the Determination of Claims and Questions Regulations"** means the Social Insurance (Determination of Claims and Questions) (Guernsey) Regulations, 1978,

**"diagnosis question"** means any question arising in connection with a claim for or an award of industrial medical benefit, industrial injury benefit or industrial disablement benefit as to whether any person is suffering or has suffered from a prescribed disease,

[ ...]

**"grindstone"** means grindstone composed of natural or manufactured sandstone and includes a metal wheel or cylinder into which blocks of natural or manufactured sandstone are fitted,

**"the Law"** means the Social Insurance (Guernsey) Law, 1978,

**"pneumoconiosis"** means fibrosis of the lungs due to silica dust, asbestos dust or other dust, and includes the condition of the lungs known as dust reticulation but does not include byssinosis,

**"prescribed disease"** means a disease or injury prescribed under Part III of these regulations, and references to a prescribed disease being contracted shall be deemed to include references to a prescribed injury being received,

**"recrudescence question"** means any question arising in connection with a claim for or an award of industrial medical benefit, industrial injury benefit or industrial disablement benefit as to whether a prescribed disease has, in fact, been contracted afresh in a case where that question arises under the provisions of regulation fifteen of these regulations,

**"relevant disease"** means, in relation to any claim for benefit in respect of a prescribed disease, the prescribed disease in respect of which benefit is claimed, but does not include any previous or subsequent attack of that disease suffered by the same person which, under the provisions of Part III of these regulations, is or has been treated as having developed on a date other than the date which, under the said provisions, is treated as the date of development for the purposes of the claim under consideration,

**"the Residence and Persons Abroad Regulations"** means the Social Insurance (Residence and Persons Abroad) (Guernsey) Regulations, 1978,

**"silica rock"** means quartz, quartzite, ganister, sandstone, gritstone and chert, but not natural sand or rotten rock,

**"tuberculosis"** in the description of the disease numbered [B5 in] the Third Schedule to these regulations means disease due to tuberculous infection, but when used elsewhere in these regulations in connection with pneumoconiosis means tuberculosis of the respiratory system,

and any other expressions 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.

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**NOTE**

*In regulation 1, the words omitted in the first pair of square brackets were repealed and the letter, figure and word in the second pair of square brackets were substituted by the Social Insurance (Industrial Injuries Benefits) (Amendment) Regulations, 2002, regulation 1, respectively paragraph (a) and paragraph (b), with effect from 1st January, 2003.*

*In accordance with the provisions of the Social Insurance (Collection of Contributions) (Transfer of Functions) Regulations, 2018, regulation 1, with*

*effect from 22nd October, 2018 and subject to the savings and transitional provisions in regulation 3, the functions, rights and liabilities of the Committee for Employment & Social Security and of its President and members relating to the collection of social insurance contributions arising under or by virtue of these Regulations were transferred to and vested in, respectively, the Policy & Resources Committee and its President and members; and, in accordance with regulation 2 of the 2018 Regulations, for any reference herein to the Committee for Employment & Social Security or its President or members, however expressed, there was substituted, to the extent that the reference related to the collection of social insurance contributions, a reference to the Policy & Resources Committee or (as the case may be) its President or members.*

*Section 50 of the Social Insurance (Guernsey) Law, 1978 has since been repealed by the Social Insurance (Guernsey) (Amendment) Law, 2001, section 1(1), with effect from 1st January, 2002, subject to the savings provisions in section 2 of the 2001 Law.*

*The Social Insurance (Claims and Payments) (Guernsey) Regulations, 1978 have since been repealed by the Social Insurance (Benefits) Regulations, 2003, regulation 51, with effect from 5th January, 2004.*

*The Interpretation (Guernsey) Law, 1948 has since been repealed by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016, section 28(a), with effect from 1st October, 2018.*

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## PART II

### PROVISIONS RELATING TO INDUSTRIAL, INJURIES BENEFITS

#### **Employments which are not to be treated for the purposes of industrial injuries benefits as employment.**

2. (1) Any employment in which a person is not gainfully occupied shall not be treated as employment for the purposes of industrial injuries benefits as employment notwithstanding that it would be so treated apart from this paragraph.

(2) Where a person over school-leaving age is gainfully occupied under a contract of service in any employment and that person is not insured under the Law by virtue of section one of the Law, that employment shall not be treated for the purposes of industrial injuries benefits as employment notwithstanding that it would be so treated apart from this paragraph.

**Certain self-employed persons to be excluded for the purposes of industrial injuries benefits from the expression "insured person".**

3. Any person who is a self-employed person and who is excepted at the time of the relevant accident from liability to pay contributions by virtue of a reciprocal agreement to which an Ordinance under section one hundred and thirteen of the Law relates or to which an Ordinance made under section sixty-eight of the Law of 1964 and having effect by virtue of Part II of the Fourth Schedule to the Law relates shall be excluded from the definition of the expression "insured person" in subsection (1) of section forty of the Law.

**Disqualification for industrial injuries benefits.**

4. (1) Subject to paragraph (3) of this regulation, a person shall be disqualified for receiving industrial medical benefit, industrial injury benefit or industrial disablement benefit, if –

- (a) he fails without good cause to comply with a notice in writing given by or on behalf of [the Committee] requiring him to do so, to attend for and to submit himself to medical or other examination on a date not earlier than the third day after the day on which the notice was sent and at a time and place specified in that notice, or
- (b) he fails without good cause to attend for, or to submit himself to, medical or other treatment; provided that this disqualification shall not apply to any failure to attend for, or to submit to, a surgical operation of a minor character, and is considered by the determining authority to be unreasonable,

- (c) he wilfully obstructs, or is guilty of other misconduct in connection with, any examination or treatment to which he is required by such notice as aforesaid to submit himself or any proceedings under the Law for the determination, of his right to benefit.

(2) Subject to the next following paragraph, a person shall be disqualified for receiving industrial medical benefit or industrial injury benefit if he fails without good cause to comply with the requirements of subsection (4) of section fifty-six of the Law (which imposes the duty on a claimant to, or beneficiary of, any such benefit, in respect of any injury, not to behave in any manner calculated to retard his recovery).

(3) A person shall not be disqualified under the foregoing provisions of this regulation for receiving industrial injury benefit or industrial disablement benefit for a period exceeding ten weeks.

(4) For the purposes of paragraph (1) of this regulation –

- (a) **"week"** means any period of seven consecutive days,
- (b) in computing the period of notice required to be given by sub-paragraph (a) of that paragraph, Sunday shall not be disregarded.

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#### **NOTES**

*In regulation 4, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.*

*The functions, rights and liabilities of the Social Security Department and of its Minister or Deputy Minister arising under or by virtue of these*

*Regulations were transferred to and vested in, respectively, the Committee for Employment & Social Security ("the Committee") and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 13 and section 4, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.<sup>1</sup>*

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**Increase of industrial injury benefit for dependent relative and further conditions applicable.**

5. The provisions of regulation eleven of the Social Insurance (Unemployment, Sickness and Invalidity Benefit) (Guernsey) Regulations, 1978, and the First Schedule to those regulations shall have effect in relation to industrial injury benefit as they have effect in relation to sickness benefit.

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**NOTE**

*The Social Insurance (Unemployment, Sickness and Invalidity Benefit) (Guernsey) Regulations, 1978 have since been repealed by the Social Insurance (Benefits) Regulations, 2003, regulation 51, with effect from 5th January, 2004.*

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**Further definition of the principles of assessment of disablement and prescribed degrees of disablement.**

6. (1) The Second Schedule to the Law shall have effect subject to the provisions of this regulation.

(2) When the extent of disablement is being assessed for the purposes of section forty-nine of the Law, any disabilities which, though resulting from the relevant loss of faculty, also result, or without the relevant accident might have been expected to result, from a cause other than the relevant accident (hereafter in this regulation referred to as "**the other effective cause**") shall only be taken into account subject to and in accordance with the following provisions of this regulation.

(3) Any assessment of the extent of disablement made by reference

to any disability to which the last foregoing paragraph applies, in a case where the other effective cause is a congenital defect or is an injury or disease received or contracted before the relevant accident, shall take account of all such disablement except to the extent to which the claimant would have been subject thereto during the period taken into account by the assessment if the relevant accident had not occurred.

(4) Any assessment of the extent of disablement made by reference to any disability to which paragraph (2) of this regulation applies, in a case where the other effective cause is an injury or disease received or contracted after and not directly attributable to the relevant accident, shall take account of all such disablement to the extent to which the claimant would have been subject thereto during the period taken into account by the assessment if that other effective cause had not arisen and where, in any such case, the extent of disablement would be assessed at not less than eleven per centum if that other effective cause had not arisen, the assessment shall also take account of any disablement to which the claimant may be subject as a result of that other effective cause except to the extent to which he would have been subject thereto if the relevant accident had not occurred.

(5) Any disablement to the extent to which the claimant is subject thereto as a result both of an accident and a disease or two or more accidents or diseases (as the case may be), being accidents arising out of and in the course of, or diseases due to the nature of his employment, shall only be taken into account in assessing the extent of disablement resulting from one such accident or disease being the one which occurred or developed last in point of time.

(6) Where the sole injury which a claimant suffers as a result of the relevant accident is one specified in the first column of the First Schedule to these regulations, whether or not such injury incorporates one or more other injuries so specified, the loss of faculty suffered by the claimant as a result of that injury shall be treated for the purposes of section forty-nine of, and the Second Schedule to, the Law as resulting in the degree of disablement set against such injury in the second column

of that Schedule to the regulations subject to such increase or reduction of that degree of disablement as may be reasonable in the circumstances of the case where, having regard to the provisions of that Schedule to the Law and to the foregoing paragraphs of this regulation, that degree of disablement does not provide a reasonable assessment of the extent of disablement resulting from the relevant loss of faculty:

Provided that, where the relevant injury is one so specified in the said first column against which there is set in the said second column the degree of disablement of one hundred per centum and the claimant suffers some disablement to which he would have been subject whether or not the relevant accident had occurred, no reduction of that degree of disablement shall be required if the Medical Board or single medical practitioner acting instead of the Medical Board (as the case may be) is satisfied that, in the circumstances of the case, one hundred per centum is a reasonable assessment of the extent of disablement resulting from the relevant loss of faculty.

(7) For the purposes of assessing, in accordance with the provisions of the Second Schedule to the Law, the extent of disablement resulting from the relevant injury in any case which does not fall to be determined under the last foregoing paragraphs, the Medical Board or single medical practitioner acting instead of the Medical Board (as the case may be) may have such regard as may be appropriate to the prescribed degrees of disablement set against the injuries specified in the First Schedule to these regulations.

[ (8) (a) The assessment of the extent of disability in the case of the disease numbered A10 in the Third Schedule to these Regulations ("occupational deafness") shall be the percentage calculated by –

(i) determining the average total hearing loss due to all causes for each ear at 1, 2 and 3 kHz frequencies, and then by

- (ii) determining the percentage degree of disablement for each ear in accordance with Part 1 of the Fifth Schedule to these Regulation, and then by
  - (iii) determining the average percentage degree of binaural displacement in accordance with the formula set out in Part 2 of that Schedule.
- (b) In the Fifth Schedule to these Regulations "**better ear**" means that ear in which the claimant's hearing loss due to all causes is the lesser and "**worse ear**" means that ear in which the hearing loss due to all causes is the greater.
- (c) For the purposes of determining the percentage degree of disablement in Part 1 of the Fifth Schedule to these Regulations, any fraction of an average hearing loss shall, where the average hearing loss is over 50 dB, be rounded down to the nearest whole figure.
- (d) The extent of disablement in respect of occupational deafness shall be subject to such reduction or increase of the degree of disablement as may be reasonable in the circumstances of the case where that degree of disablement does not provide a reasonable assessment of the extent of the disability resulting from the relevant loss of faculty.]

**NOTE**

*In regulation 6, paragraph (8) was inserted by the Social Insurance (Industrial Injuries Benefits) (Amendment) Regulations, 2002, regulation 2, with effect from 1st January, 2003.*

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**Increase of disablement benefit for constant attendance.**

7. The amount by which the weekly rate of industrial disablement benefit may be increased under section fifty of the Law where constant attendance is required by a beneficiary as a result of the relevant loss of faculty shall be –

- (a) where the beneficiary (not being a case to which paragraph (b) of this regulation applies) is to a substantial extent dependent on such attendance for the necessities of life and is likely to remain so dependent for a prolonged period the amounts specified in paragraph 1 of the second column in the Second Schedule to these regulations,
- (b) where in such a case as is mentioned in paragraph (a) of this regulation the attendance required is part-time only, such amount less than the amount specified in the said paragraph 1 of the second column in the Second Schedule to these regulations as may be reasonable in the circumstances,
- (c) where in such a case as is mentioned in paragraph (a) of this regulation the attendance required is greater by reason of the beneficiary's exceptionally severe disablement, the amount specified in paragraph 2 of the second column in the Second Schedule to these regulations, or

- (d) where the beneficiary is so exceptionally severely disabled as to be entirely, or almost entirely, dependent on such attendance for the necessities of life, and is likely to remain so dependent for a prolonged period and the attendance so required is whole-time, the amount specified in paragraph 3 of the second column in the Second Schedule to these regulations.

**Treatment of distinct periods of hospital in-patients treatment as continuous for the purposes of section fifty-one of the Law.**

8. For the purposes of section fifty-one of the Law, a person who receives medical treatment as an in-patient for two or more distinct periods separated by an interval of less than a week in each case shall be treated as receiving such treatment continuously from the beginning of the first period until the end of the last.

**Adjustment of increase of benefit in respect of successive accidents.**

9. (1) At any time at which the sum total of the several assessments in respect of two or more accidents suffered by any person amounts to not less than one hundred per centum during the continuance of the periods respectively taken into account thereby, the weekly rate of any industrial disablement benefit which is payable to him may be increased in accordance with the provisions of section fifty of the Law if he requires constant attendance as a result of the loss of faculty resulting from any one or more of such accidents, whether or not that benefit is payable in respect of an assessment of one hundred per centum or in respect of that loss of faculty.

(2) A beneficiary who has suffered two or more accidents shall not be entitled at any time to more than one increase of industrial disablement benefit under section fifty of the Law.

PART III  
PRESCRIBED DISEASES

**Prescription of diseases and injuries.**

10. For the purposes of Part III of the Law [...]

[...] each disease or injury set out in the first column of [...] the Third Schedule to these regulations is prescribed in relation to all insured persons to whom Part III of the Law applies and who have been employed on or after the fourth day of January, nineteen hundred and sixty-five in any occupation set against such disease or injury in the second column of the said Schedule[.]

(b) ...

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**NOTE**

*In regulation 10, first, subparagraph (b) was repealed and, second, the punctuation and subparagraph number omitted in the first and second pairs of square brackets, and the words omitted in the third pair of square brackets were repealed, and the punctuation in the fourth pair of square brackets was substituted by the Social Insurance (Industrial Injuries Benefits) (Amendment) Regulations, 2002, regulation 3, respectively paragraph (b) and paragraph (a), with effect from 1st January, 2003.*

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**Sequelae or resulting conditions.**

11. Where a person –

(a) is an insured person to whom Part III of the Law applies, and

- (b) is suffering from a condition which, in his case, has resulted from a prescribed disease,

the provisions of Part III of the Law and of this Part of these regulations shall apply to him as if he were suffering from that disease, whether or not the condition from which he is suffering is itself a prescribed disease.

**Presumption that a disease is due to the nature of employment.**

12. (1) Where an insured person has developed a disease which is prescribed in relation to him in [...] the Third Schedule to these regulations, that disease shall, unless the contrary is proved, be presumed to be due to the nature of his employment if that employment was in any occupation set against that disease in the second column of the said [Schedule] and he was so employed on, or at any time within one month immediately preceding, the date on which, under the subsequent provisions of these regulations, he is treated as having developed the disease:

Provided that this paragraph shall not apply to the diseases [numbered D4 or D5 in the Third Schedule to these Regulations, or any disease caused by an infectious organism].

(2) Where an insured person in relation to whom tuberculosis is prescribed in [...] the said Schedule has developed that disease, the disease shall, unless the contrary is proved, be presumed to be due to the nature of his employment if the date on which, under the subsequent provisions of these regulations, he is treated as having developed the disease is not less than six weeks after the date on which he was first employed in any occupation set against the disease in the second column of the said Part and not more than two years after the date on which he was last so employed.

(3) Where an insured person has developed pneumoconiosis, the disease shall, unless the contrary is proved, be presumed to be due to the nature of his

employment if he has been employed in one or other of the occupations set out in Part II of the said Schedule for a period or periods amounting in the aggregate to not less than two years.

[ (4) Where an insured person has developed the disease numbered D7 in the Third Schedule to these Regulations (occupational asthma) the presumption set out in paragraph (1) shall apply only if the date on which he is treated as having developed the disease is not more than five years after the date on which he was last employed in an occupation in which he was exposed to a sensitising agent.]

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**NOTE**

*In regulation 12, first, the words omitted in the first pair of square brackets were repealed and the word in the second pair of square brackets was substituted, second, the words and figures in the third pair of square brackets were substituted, third, the words omitted in the fourth pair of square brackets were repealed and, fourth, paragraph (4) was inserted by the Social Insurance (Industrial Injuries Benefits) (Amendment) Regulations, 2002, regulation 4, respectively paragraph (a), paragraph (b), paragraph (c) and paragraph (d), with effect from 1st January, 2003.*

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**Development of disease.**

**13.** If on a claim for benefit under Part III of the Law in respect of a prescribed disease, a person is found to be or have been suffering from the disease, or to have died as the result thereof, the disease shall, for the purposes of such claim, be treated as having developed on a date (hereafter in these regulations referred to as "**the date of development**") determined in accordance with the provisions of the two next following regulations.

**Date of development.**

**14.** (1) For the purposes of the first claim in respect of a prescribed disease suffered by an insured person, the date of development shall be determined in accordance with the following provisions of this regulation, and, save as provided in

the next following regulation, that date shall be treated as the date of development for the purposes of any subsequent claim in respect of the same disease suffered by the same person:

Provided that –

- (a) any date of development determined for the purpose of that claim shall not preclude first consideration of the question whether the same person is suffering from the same disease on any subsequent claim for an award of benefit, and
- (b) if, on the consideration of the claim, no award of benefit is made, any date of development determined for the purposes of that claim shall be disregarded for the purposes of any subsequent claim.

(2) Where the claim for the purposes of which the date of development is to be determined is –

- (a) a claim for industrial injury benefit, the date of development shall be the first day on which the claimant was incapable of work as the result of the disease on or after the appointed day; or, if later, the date as from which benefit could be paid on that claim,
- (b) a claim for industrial disablement benefit, the date of development shall be the day on which the claimant first suffered from the relevant loss of faculty on or after the fourth day of January, nineteen hundred and

sixty-five; or, if later, the date as from which benefit could be paid on that claim,

- (c) a claim for widow's benefit, the date of development shall be the date of the death of the claimant's husband, or
- (d) a claim for industrial medical benefit, the date of development shall be the first day on which the claimant received medical attention as the result of the disease.

(5) In the foregoing paragraph, the expression "**the date as from which benefit could be paid on that claim**" means, in relation to any claim, the first day of the period in respect of which benefit could be paid on that claim having regard to the provisions of the Claims and Payments Regulations, or could have been so paid but for the provisions of paragraph (b) of subsection (3) of section forty-eight of the Law.

**Recrudescence.**

**15.** (1) If a person after having been awarded benefit in respect of a prescribed disease, other than pneumoconiosis, recovers wholly or partially from the attack of the disease, and thereafter suffers from another attack of the same disease, or dies as the result thereof, then –

- (a) if the further attack commences or the death occurs during any period in respect of which he is or was entitled to industrial injury benefit or during a period taken into account by an assessment of disablement relating to such a previous award (either of which periods is hereinafter referred to as a "**relevant**

**period"**), the disease shall be treated as a recrudescence of the attack to which the relevant period relates, unless it is otherwise determined in the manner referred to in the following sub-paragraph,

- (b) if the further attack commenced or the death occurs otherwise than during a relevant period, or if it is determined that the disease was in fact contracted afresh, it shall be treated as having been so contracted.

(2) For the purposes of the foregoing paragraph, a further attack of a prescribed disease shall be deemed to have commenced on the date which would be treated as the date of development under the provisions of the last foregoing regulation if no previous claim had been made in respect of that disease.

(3) Where, under the foregoing provisions of this regulation, a disease is treated as having been contracted afresh, the provisions of the last foregoing regulation shall be applied as though no previous claim had been made in respect of that disease and the date of development shall be determined accordingly.

**Application of Part III of the Law in relation to prescribed diseases.**

**16.** (1) The provisions of Part III of the Law shall, in relation to prescribed diseases, be subject to the provisions of the next following three regulations, and, subject as aforesaid, to the modifications set out in paragraph (2) of this regulation.

(2) In Part III of the Law references to –

- (a) accidents shall be construed as references to prescribed diseases,

- (b) the relevant accident shall be construed as references to the relevant disease,
- (c) the date of the relevant accident shall be construed as references to the date of development of the relevant disease.

**Application of Claims and Payments Regulations, Residence and Persons Abroad Regulations and Part II of these regulations, etc.**

**17.** (1) Save in so far as they are expressly varied or excluded by, or are inconsistent with, the provisions of this Part of these regulations, the Claims and Payments Regulations, the Residence and Persons Abroad Regulations and Part II of these regulations shall apply in relation to prescribed diseases as they apply in relation to accidents.

(2) Save as provided in this Part of these regulations or where the context otherwise requires, references in the aforesaid regulations and in Part II of these regulations to accidents shall be construed as references to prescribed diseases, references to the relevant accident shall be construed as references to the relevant disease, and references to the date of the relevant accident shall be construed as references to the date of development of the relevant disease.

**Industrial disablement benefit not preceded by industrial injury benefit.**

**18.** Where an insured person, not having been entitled to industrial injury benefit in respect of the relevant disease, claims industrial disablement benefit in respect of that disease, and under the foregoing provisions of this Part of these regulations a date of development is determined for the purposes of that claim, the following provisions shall apply, that is to say –

- (a) subsection (3) of section forty-nine of the Law shall not apply, and

- (b) paragraph 4 of the Second Schedule to the Law shall have effect as if the reference to the first day on which industrial disablement benefit is available to the claimant under the provisions of subsection (3) of section forty-nine of the Law there were substituted a reference to the date of development.

**Assessment of extent of disablement.**

**19.** For the purposes of sub-paragraph (b) of paragraph 1 of the Second Schedule to the Law and of regulation six of these regulations, an injury or disease other than the relevant disease shall be treated as having been received or contracted before the relevant disease if it was received or contracted on or before the date of development, and as having been received or contracted after the relevant disease if it was received or contracted after that date.

**Procedure for determination of claims and questions in respect of prescribed diseases.**

**20.** (1) The provisions of this regulation shall apply to all claims for benefit under Part III of the Law in respect of a prescribed disease and to all questions arising in connection with such claims or with any award of benefit thereon, but in their application in respect of pneumoconiosis shall be subject to the provisions of paragraph (2) and paragraph (3) of this regulation.

(2) Where any person is found to be suffering from pneumoconiosis accompanied by tuberculosis, the effects of the tuberculosis shall be treated for the purposes of Part III of the Law and of these regulations as if they were effects of the pneumoconiosis.

(3) Where any person is disabled by pneumoconiosis or pneumoconiosis accompanied by tuberculosis to an extent which would, if his

physical condition were otherwise normal, be assessed at not less than fifty per centum, the effects of any emphysema and of any chronic bronchitis from which that person is found to be suffering shall be treated for the purposes of Part III of the Law and of these regulations as if they were effects of pneumoconiosis.

(4) The provisions of Part VI of the Law shall apply, as appropriate, to the determination of such claims and questions as aforesaid, subject to the modifications set out in the next following paragraph and to the following provisions of this regulation.

(5) In Part VI of the Law references to accidents shall be construed as references to prescribed diseases, references to the relevant accident shall be construed as references to the relevant disease and references to the date of the relevant accident shall be construed as references to the date of development of the relevant disease.

(6) All claims and questions to which this regulation applies shall be determined in accordance with the Determination of Claims and Questions Regulations, save in so far as those provisions are inconsistent with or are varied by these regulations; and, save as provided in this regulation, any reference in the Determination of Claims and Questions Regulations to the relevant accident shall be construed as a reference to the relevant disease and any reference to the date of the relevant accident shall be construed as a reference to the date of development of the relevant disease.

(7) ...

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**NOTE**

*In regulation 20, paragraph (7) was repealed by the Social Insurance (Industrial Injuries Benefits) (Amendment) Regulations, 2002, regulation 5, with effect from 1st January, 2003.*

PART IV  
REPEALS, CITATION AND COMMENCEMENT

**Repeals.**

21. The regulations specified in the Fourth Schedule to these regulations are hereby repealed.

**Citation.**

22. These regulations may be cited as the Social Insurance (Industrial Injuries Benefits) (Guernsey) Regulations, 1978.

**Commencement.**

23. These regulations shall come into force on the first day of January, nineteen hundred and seventy-nine.

FIRST SCHEDULE Regulation six  
PRESCRIBED DEGREES OF DISABLEMENT

<u>Description of injury</u>	<u>Degree of disablement per centum</u>
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 disfiguration	100
6. Absolute deafness	100
7. Forequarter or hindquarter amputation	100

Amputation cases - upper limbs (either arm)

8. Amputation through shoulder joint	90
9. Amputation below shoulder with stump less than 20.5 centimetres from tip of acromion	80
10. Amputation from 20.5 centimetres from tip of acromion to less than 11.5 centimetres below tip of olecranon	70
11. Loss of a hand or of the thumb and four fingers of one hand or amputation from 11.5 centimetres below tip of olecranon	60
12. Loss of thumb	30
13. Loss of thumb and its metacarpal bone	40
14. Loss of four fingers of one hand	50
15. Loss of three fingers of one hand	30

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16.	Loss of two fingers of one hand	20
17.	Loss of terminal phalanx of thumb	20

Amputation cases - lower limbs

18.	Amputation of both feet resulting in end-bearing stumps	90
19.	Amputation through both feet proximal to the metatarso-phalangeal joint	80
20.	Loss of all toes of both feet through the metatarso-phalangeal joint	40
21.	Loss of all toes of both feet proximal to the proximal inter-phalangeal joint	30
22.	Loss of all toes of both feet distal to the proximal inter-phalangeal joint	20
23.	Amputation at hip	90
24.	Amputation below hip with stump not exceeding 13 centimetres in length measured from tip of great trochanter	80
25.	Amputation below hip and above knee with stump exceeding 13 centimetres in length measured from tip of great trochanter, or at knee not resulting in end-bearing stump	70
26.	Amputation at knee resulting in end-bearing stump or below knee with stump not exceeding 9 centimetres	60
27.	Amputation below knee with stump exceeding 9 centimetres but not exceeding 13 centimetres	50
28.	Amputation below knee with stump exceeding 13 centimetres	40
29.	Amputation of one foot resulting in end-bearing stump	
30.	Amputation through one foot proximal to the metatarso-phalangeal joint	30
31.	Loss of all toes of one foot through the metatarso-phalangeal joint	30
	Amputation of one foot resulting in end-bearing stump	20

Other injuries

- |     |  |    |
|-----|--|----|
| 32. | Loss of one eye, without complications, the other being normal                                       | 40 |
| 33. | Loss of vision of one eye, without complications or disfigurement of eyeball, the other being normal | 30 |

Loss of:

A. Fingers of right or left hand

***Index finger –***

- |     |   |    |
|-----|---|----|
| 34. | Whole   | 14 |
| 35. | Two phalanges                                     | 11 |
| 36. | One phalanx                                       | 9  |
| 37. | Guillotine amputation of tip without loss of bone | 5  |

***Middle finger –***

- |     |   |    |
|-----|---|----|
| 38. | Whole   | 12 |
| 39. | Two phalanges                                     | 9  |
| 40. | One phalanx                                       | 7  |
| 41. | Guillotine amputation of tip without loss of bone | 4  |

***Ring or little finger –***

- |     |   |   |
|-----|---|---|
| 42. | Whole   | 7 |
| 43. | Two phalanges                                     | 6 |
| 44. | One phalanx                                       | 5 |
| 45. | Guillotine amputation of tip without loss of bone | 2 |

B. Toes of right or left foot

***Great toe –***

- |     |                                    |    |
|-----|------------------------------------|----|
| 46. | Through metatarso-phalangeal joint | 14 |
| 47. | Part, with some loss of bone       | 3  |

***Any other toe –***

- |     |                                    |   |
|-----|------------------------------------|---|
| 48. | Through metatarso-phalangeal joint | 3 |
| 49. | Part, with some loss of bone       | 1 |

***Two toes of one foot, excluding great toe –***

- |     |                                    |   |
|-----|------------------------------------|---|
| 50. | Through metatarso-phalangeal joint | 5 |
| 51. | Part, with some loss of bone       | 2 |

***Three toes of one foot, excluding great toe –***

- |     |                                    |   |
|-----|------------------------------------|---|
| 52. | Through metatarso-phalangeal joint | 6 |
| 53. | Part, with some loss of bone       | 3 |

***Four toes of one foot, excluding great toe –***

- |     |                                    |   |
|-----|------------------------------------|---|
| 54. | Through metatarso-phalangeal joint | 9 |
| 55. | Part, with some loss of bone       | 3 |

[SECOND SCHEDULE

Regulation 7

Rates of increase of industrial disablement benefit under section 50 of the Law where constant attendance is required

	Description of case	Rate of increase
1.	Where beneficiary is dependant to a substantial extent on constant attendance.	£45.00
2.	Where beneficiary is dependent to a substantial extent on constant attendance and where attendance required is greater by reason of exceptionally severe disablement.	£67.00
3.	Where beneficiary is entirely or almost dependent on constant attendance.	£89.00

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**NOTE**

*The Second Schedule was substituted by the Social Insurance (Increase of Benefit and Consequential Amendments) Regulations, 2000, regulation 5, Ninth Schedule, with effect from 1st January, 2001.<sup>2</sup>*

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[THIRD SCHEDULE  
PRESCRIBED DISEASES

Regulation ten

**A. Conditions due to physical agents**

<i>Prescribed disease or injury</i>	<i>Occupation: Any occupation involving:</i>
A1. Leukaemia (other than chronic lymphatic leukaemia) or cancer of the bone, female breast, testis or thyroid.	Exposure to electro-magnetic radiations (other than radiant heat) or to ionising particles where the dose is sufficient to double the risk of the occurrence of the condition.
A2. Cataract.	Frequent or prolonged exposure to radiation from red-hot or white-hot material.
A3. Dysbarism, including decompression sickness, barotrauma and osteonecrosis.	Subjection to compressed or rarefied air or other respirable gases or gaseous mixtures.
A4. 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.
A5. Subcutaneous cellulitis of the hand (beat hand).	Manual labour causing severe or prolonged friction or pressure on the hand.
A6. 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.
A7. 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.
A8. Traumatic inflammation of the tendons of the hand or forearm, or of the associated tendon sheaths.	Manual labour, or frequent or repeated movements of the hand or wrist.
A9. Miner's nystagmus.	Work in or about a mine.
A10. Sensorineural hearing loss amounting to at least 50 dB in each ear, being the average of hearing losses at 1, 2 and 3 kHz frequencies, and being due in the case of at least one ear to occupational noise (occupation-	(a) The use of powered (but not hand powered) grinding tools on metal (other than sheet metal or plate metal), or work wholly or mainly in the immediate vicinity of those tools whilst they are being so used, or

al deafness).	<ul style="list-style-type: none"><li>(b) the use of pneumatic percussive tools on metal, or work wholly or mainly in the immediate vicinity of those tools whilst they are being so used, or</li><li>(c) the use of pneumatic percussive tools for drilling rock in quarries or underground or in mining coal or in sinking shafts or for tunnelling in civil engineering works, or work wholly or mainly in the immediate vicinity of those tools whilst they are being so used, or</li><li>(d) the use of pneumatic percussive tools on stone in quarry works, or work wholly or mainly in the immediate vicinity of those tools whilst they are being so used, or</li><li>(e) work wholly or mainly in the immediate vicinity of plant (excluding power press plant) engaged in the forging (including drop stamping) of metal by means of closed or open dies or drop hammers, or</li><li>(f) work in textile manufacturing where the work is undertaken wholly or mainly in rooms or sheds in which there are machines engaged in weaving man-made or natural (including mineral) fibres or in the high speed twisting of fibres, or</li><li>(g) the use of, or work wholly or mainly in the immediate vicinity of, machines engaged in cutting, shaping or cleaning metal nails, or</li><li>(h) the use of, or work wholly or mainly in the immediate vicinity of, plasma spray guns engaged in the deposition of metal, or</li><li>(i) the use of, or work wholly or mainly in the immediate vicinity of, any of the following machines engaged in the working of wood or material composed partly of wood, that is to say: multi-cutter moulding machines, planing machines, automatic or semi-automatic lathes, multiple cross-cut machines,</li></ul>
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	<p>automatic shaping machines, double-end tenoning machines, vertical spindle moulding machines (including high speed routing machines), edge banding machines, bandsawing machines with a blade width of not less than 75 millimetres and circular sawing machines in the operation of which the blade is moved towards the material being cut, or</p> <p>(j) the use of chain saws in forestry, or</p> <p>(k) air arc gouging or work wholly or mainly in the immediate vicinity of air arc gouging, or</p> <p>(l) the use of band saws, circular saws or cutting discs for cutting metal in the metal founding or forging industries, or work wholly or mainly in the immediate vicinity of those tools whilst they are being so used, or</p> <p>(m) the use of circular saws for cutting products in the manufacture of steel, or work wholly or mainly in the immediate vicinity of those tools whilst they are being so used, or</p> <p>(n) the use of burners or torches for cutting or dressing steel based products, or work wholly or mainly in the immediate vicinity of those tools whilst they are being so used, or</p> <p>(o) work wholly or mainly in the immediate vicinity of skid transfer banks, or</p> <p>(p) work wholly or mainly in the immediate vicinity of knock out and shake out grids in foundries, or</p> <p>(q) mechanical bobbin cleaning or work wholly or mainly in the immediate vicinity of mechanical bobbin cleaning, or</p> <p>(r) the use of, or work wholly or mainly in</p>
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	<p>the immediate vicinity of, vibrating metal moulding boxes in the concrete products industry, or</p> <p>(s) the use of, or work wholly or mainly in the immediate vicinity of, high pressure jets of water or a mixture of water and abrasive material in the water jetting industry (including work under water), or</p> <p>(t) work in ships' engine rooms, or</p> <p>(u) the use of circular saws for cutting concrete masonry blocks during manufacture, or work wholly or mainly in the immediate vicinity of those tools whilst they are being so used, or</p> <p>(v) burning stone in quarries by jet channelling processes, or work wholly or mainly in the immediate vicinity of such processes, or</p> <p>(w) work on gas turbines in connection with –</p> <p style="padding-left: 40px;">(i) performance testing on test bed,</p> <p style="padding-left: 40px;">(ii) installation testing of replacement engines in aircraft,</p> <p style="padding-left: 40px;">(iii) acceptance testing of Armed Service fixed wing combat planes, or</p> <p>(x) the use of, or work wholly or mainly in the immediate vicinity of –</p> <p style="padding-left: 40px;">(i) machines for automatic moulding, automatic blow moulding or automatic glass pressing and forming machines used in the manufacture of glass containers or hollow ware,</p> <p style="padding-left: 40px;">(ii) spinning machines using compressed air to produce glass wool or mineral wool,</p>
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	(iii) continuous glass toughening furnaces.
A11. Episodic blanching occurring throughout the year, affecting the middle or proximal phalanges or in the case of a thumb the proximal phalanx, of –	(a) The use of hand-held chain saws in forestry, or
(a) in the case of a person with 5 fingers (including thumbs) on one hand, any 3 of those fingers, or	(b) the use of hand-held rotary tools in grinding or in the sanding or polishing of metal, or the holding of material being ground, or metal being sanded or polished, by rotary tools, or
(b) in the case of a person with only 4 such fingers, any 2 of those fingers, or	(c) the use of hand-held percussive metal-working tools, or the holding of metal being worked upon by percussive tools, in riveting, caulking, chipping, hammering, fettling or swaging, or
(c) in the case of a person with less than 4 such fingers, any one of those fingers or, as the case may be, the one remaining finger (vibration white finger).	(d) the use of hand-held powered percussive drills or hand-held powered percussive hammers in mining, quarrying, demolition, or on roads or footpaths, including road construction, or
A12. Carpal tunnel syndrome.	(e) the holding of material being worked upon by pounding machines in shoe manufacture.
	The use of hand-held powered tools whose internal parts vibrate so as to transmit that vibration to the hand, but excluding those which are solely powered by hand.

**B. Conditions due to biological agents**

<i>Prescribed disease or injury</i>	<i>Occupation: Any occupation involving:</i>
B1. Anthrax.	Contact with animals infected with anthrax or the handling (including the loading or unloading or transport) of animal products or residues.
B2. Glanders	Contact with equine animals or their carcasses.
B3. Infection by leptospira	(a) Work in places which are, or are liable to be, infested by rats, field mice or voles, or other small mammals, or
	(b) work at dog kennels or the care or handling of dogs, or

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	(c) contact with bovine animals or their meat products or pigs or their meat products.
B4. Ankylostomiasis.	Work in or about a mine.
B5. Tuberculosis.	Contact with a source of tuberculous infection.
B6. Extrinsic allergic alveolitis (including farmer's lung).	Exposure to moulds or fungal spores or heterologous proteins by reason of employment in –  (a) agriculture, horticulture, forestry, cultivation of edible fungi or malt-working, or  (b) loading or unloading or handling in storage mouldy vegetable matter or edible fungi, or  (c) caring for or handling birds, or  (d) handling bagasse.
B7. Infection by organisms of the genus brucella.	Contact with –  (a) animals infected by brucella, or their carcasses or parts thereof, or their untreated products, or  (b) laboratory specimens or vaccines of, or containing brucella.
B8. Viral hepatitis.	Contact with –  (a) human blood or human blood products, or  (b) a source of viral hepatitis.
B9. Infection by Streptococcus suis.	Contact with pigs infected by Streptococcus suis, or with the carcasses, products or residues of pigs so infected.
B10. (a) Avian chlamydiosis	Contact with birds infected with chlamydia psittaci, or with the remains or untreated products of such birds.
(b) Ovine chlamydiosis	Contact with sheep infected with chlamydia psittaci, or with the remains or untreated products of such sheep.
B11. Q fever	Contact with animals, their remains or their untreated products.
B12. Orf	Contact with animals, their remains or their untreated products.
B13. Hydatidosis	Contact with dogs.

**C. Conditions due to chemical agents**

<i>Prescribed disease or injury</i>	<i>Occupation: Any occupation involving:</i>
C1. Poisoning by lead, a compound of lead or a substance containing lead.	The use or handling of, and exposure to the fumes, dust or vapour of, lead or a compound of lead.
C2. Poisoning by 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.
C3. Poisoning by phosphorus or an inorganic compound of phosphorus or poisoning due to the anti-cholinesterase or pseudo anti-cholinesterase action of organic phosphorus compounds.	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.
C4. Poisoning by 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.
C5. Poisoning by 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.
C6. Poisoning by 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.
C7. Poisoning by benzene or a homologue of benzene.	The use or handling of, or exposure to the fumes of, or vapour containing benzene or any of its homologues.
C8. Poisoning by 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.
C9. Poisoning by dinitrophenol or a homologue of dinitrophenol 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.
C10. Poisoning by tetrachloroethane.	The use or handling of, or exposure to the fumes of, or vapour containing, tetrachloroethane.

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C11. Poisoning by diethylene dioxide (dioxan).	The use or handling of, or exposure to the fumes of, or vapour containing, diethylene dioxide (dioxan).
C12. Poisoning by methyl bromide.	The use or handling of, or exposure to the fumes of, or vapour containing, methyl bromide.
C13. Poisoning by chlorinated naphthalene.	The use or handling of, or exposure to the fumes of, or dust or vapour containing, chlorinated naphthalene.
C14. Poisoning by nickel carbonyl.	Exposure to nickel carbonyl gas.
C15. Poisoning by oxides of nitrogen.	Exposure to oxides of nitrogen.
C16. Poisoning by gonioma kamassi (African boxwood).	The manipulation of gonioma kamassi or any process in or incidental to the manufacture of articles therefrom.
C17. Poisoning by 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.
C18. Poisoning by cadmium.	Exposure to cadmium dust or fumes.
C19. Poisoning by acrylamide monomer.	The use or handling of, or exposure to, acrylamide monomer.
C20. Dystrophy of the cornea (including ulceration of the corneal surface) of the eye.	(a) The use or handling of, or exposure to arsenic, tar, pitch, bitumen, mineral oil (including paraffin), soot or any compound, product or residue of any of these substances, except quinone or hydroquinone, or  (b) exposure to quinone or hydroquinone during their manufacture.
C21. (a) Localised new growth of the skin, papillomatous or keratotic,  (b) squamous-celled carcinoma of the skin.	The use or handling of, or exposure to, arsenic, tar, pitch, bitumen, mineral oil (including paraffin), soot or any compound, product or residue of any of these substances, except quinone or hydroquinone.
C22. (a) Carcinoma of the mucous membrane of the nose or associated air sinuses,  (b) primary carcinoma of a bronchus or of a lung.	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.
C23. Primary neoplasm (including papilloma, carcinoma-in-situ and invasive carcinoma) of the epithelial lining of the urinary tract (renal pelvis, ureter, bladder and urethra).	(a) Work in a building in which any of the following substances is produced for commercial purposes –  (i) alpha-naphthylamine, beta-naphthylamine or methylene-bisortho-chloroaniline,

	<p>(ii) diphenyl substituted by at least one nitro or primary amino group or by at least one nitro and primary amino group (including benzidine),</p> <p>(iii) any of the substances mentioned in sub-paragraph (ii) above if further ring substituted by halogeno, methyl or methoxy groups, but not by other groups,</p> <p>(iv) the salts of any of the substances mentioned in the sub-paragraphs (i) to (iii) above,</p> <p>(v) auramine or magenta, or</p> <p>(b) the use or handling of any of the substances mentioned in sub-paragraph (a)(i) to (v) or work in a process in which any such substance is used, handled or liberated, or</p> <p>(c) the maintenance or cleaning of any plant or machinery used in any such process as is mentioned in sub-paragraph (b), or the cleaning of clothing used in any such building as is mentioned in sub-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> <p>(d) exposure to coal tar pitch volatiles produced in aluminium smelting involving the Soderberg process (that is to say the method of producing aluminium by electrolysis in which the anode consists of a paste of petroleum coke and mineral oil which is baked <i>in situ</i>).</p>
<p>C24. (a) Angiosarcoma of the liver,</p> <p>(b) osteolysis of the terminal phalanges of the fingers,</p> <p>(c) non-cirrhotic portal</p>	<p>(a) Work in or about machinery or apparatus used for the polymerization of vinyl chloride monomer, a process which, for the purposes of this provision, comprises all operations up to and including the drying of the slurry produced by the polymerization and the packaging of the dried product, or</p>

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fibrosis.	(b) work in a building or structure in which any part of that process takes place.
C25. Occupational vitiligo.	The use or handling of, or exposure to, para-tertiary-butylphenol, para-tertiary-butylcatechol, para-amyl-phenol, hydroquinone or the monobenzyl or monobutyl ether of hydroquinone.
C26. Damage to the liver or kidneys due to exposure to Carbon Tetrachloride.	The use of or handling of, or exposure to the fumes of, or vapour containing, Carbon Tetrachloride.
C27. Damage to the liver or kidneys due to exposure to Trichloromethane (Chloroform).	The use of or handling of, or exposure to the fumes of, or vapour containing, Trichloromethane (Chloroform).
C28. Central nervous system dysfunction and associated gastro-intestinal disorders due to exposure to Chloromethane (Methyl Chloride).	The use of or handling of, or exposure to the fumes of, or vapour containing, Chloromethane (Methyl Chloride).
C29. Peripheral neuropathy due to exposure to n-hexane or methyl n-butyl ketone.	The use of or handling of, or exposure to the fumes of, or vapour containing, n-hexane or methyl n-butyl ketone.
C30. Chrome dermatitis, or ulceration of the mucous membranes or the epidermis, resulting from exposure to chromic acid, chromates or bi-chromates.	The use or handling of, or exposure to, chromic acid, chromates or bi-chromates.

**D. Miscellaneous Conditions**

<i>Prescribed disease or injury</i>	<i>Occupation: Any occupation involving:</i>
D1. Pneumoconiosis.	<ol style="list-style-type: none"> <li>1. (a) the mining. Quarrying or working of silica rock or the working of dried quartzose sand or any dry deposit or dry residue of silica or any dry admixture containing such materials (including any occupation in which any of the aforesaid operations are carried out incidentally to the mining or quarrying of other minerals or to the manufacture of articles containing crushed or ground silica rock),                       (b) the handling of any of the materials specified in the foregoing sub- paragraph in or incidental to any of the operations mentioned therein. Or substantial exposure to the dust arising from such operations.</li> <li>2. The breaking, crushing or grinding of flint or the working or handling of broken, crushed or ground flint or materials containing such flint, or substantial exposure to the dust arising from any such operations.</li> <li>3. Sand blasting by means of compressed air with the use of quartzose sand or crushed silica rock or flint, or substantial exposure to the dust arising from sand and blasting.</li> <li>4. Work in a foundry or the performance of, or substantial exposure to the dust arising from, any of the following operations –                     <ol style="list-style-type: none"> <li>(a) the freeing of steel castings from adherent siliceous substance,</li> <li>(b) the freeing of metal castings from adherent siliceous substance –                             <ol style="list-style-type: none"> <li>(i) by blasting with an abrasive propelled by compressed air, by steam or by a wheel, or</li> </ol> </li> </ol> </li> </ol>

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	<p>(ii) by the use of power-driven tools.</p> <p>5. The manufacture of china or earthenware (including sanitary earthenware, electrical earthenware and earthenware tiles), and any occupation involving substantial exposure to the dust arising therefrom.</p> <p>6. The grinding of mineral graphite, or substantial exposure to the dust arising from such grinding.</p> <p>7. The dressing of granite or any igneous rock by masons or the crushing of such materials, or substantial exposure to the dust arising from such operations.</p> <p>8. The use, or preparation for use, of a grindstone, or substantial exposure to the dust arising therefrom.</p> <p>9. (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 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> <p>10. (a) work underground in any mine in which one of the objects of the mining operations is the getting of any mineral,</p> <p>(b) the working or handling above ground at any coal or tin mine of any minerals extracted therefrom, or any operation incidental thereto,</p> <p>(c) the trimming of coal in any ship, barge, or lighter, or in any dock or harbour or at any wharf or quay,</p>
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	<p>(d) the sawing, splitting or dressing of slate, or any operation incidental thereto.</p> <p>11. The manufacture of carbon electrodes by an industrial undertaking for use in the electrolytic extraction of aluminium from aluminium oxide, and any occupation involving substantial exposure to the dust arising therefrom.</p> <p>12. Boiler scaling or substantial exposure to the dust arising therefrom.</p>
D2. Byssinosis.	Work in any room where any process up to and including the weaving process is performed in a factory in which the spinning or manipulation of raw or waste cotton or of flax, or the weaving of cotton or flax, is carried on.
D3. Diffuse mesothelioma (primary neoplasm of the mesothelium of the pleura or of the pericardium or of the peritoneum).	Exposure to asbestos, asbestos dust or any admixture of asbestos at a level above that commonly found in the environment at large.
<p>D4. Allergic rhinitis which is due to exposure to any of the following agents –</p> <p>(a) isocyanates,</p> <p>(b) platinum salts,</p> <p>(c) fumes or dusts arising from the manufacture, transport or use of hardening agents (including epoxy resin curing agents) based on phthalic anhydride, tetra-chlorophthalic anhydride, trimellitic anhydride or triethylenetetramine,</p> <p>(d) fumes arising from the use of rosin as a soldering flux,</p> <p>(e) proteolytic enzymes,</p> <p>(f) animals including</p>	Exposure to any of the agents set out in column 1 of this paragraph.

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	insects and other arthropods used for the purposes of research or education or in laboratories,	
(g)	dusts arising from the sowing, cultivation, harvesting, drying, handling, milling, transport or storage of barley, oats, rye, wheat or maize, or the handling, milling, transport or storage of meal or flour made therefrom,	
(h)	antibiotics,	
(i)	cimetidine,	
(j)	wood dust,	
(k)	ispaghula,	
(l)	castor bean dust,	
(m)	ipecacuanha,	
(n)	azodicarbonamide,	
(o)	animals including insects and other arthropods or their larval forms, used for the purposes of pest control or fruit cultivation, or the larval forms of animals used for the purposes of research or education or in laboratories,	
(p)	glutaraldehyde,	
(q)	persulphate salts or henna,	

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Consolidated text

<ul style="list-style-type: none"> <li>(r) crustaceans or fish or products arising from these in the food processing industry,</li> <li>(s) reactive dyes,</li> <li>(t) soya bean,</li> <li>(u) tea dust,</li> <li>(v) green coffee bean dust,</li> <li>(w) fumes from stainless steel welding.</li> </ul>	
<p>D5. Non-infective dermatitis of external origin (excluding dermatitis due to ionising particles or electro-magnetic radiations other than radiant heat).</p>	<p>Exposure to dust, liquid or vapour or any other external agent except chromic acid, chromates or bichromates, capable of irritating the skin (including friction or heat but excluding ionising particles or electro-magnetic radiations other than radiant heat).</p>
<p>D6. Carcinoma of the nasal cavity or associated air sinuses (nasal carcinoma).</p>	<ul style="list-style-type: none"> <li>(a) Attendance for work in or about a building where wooden goods are manufactured or repaired, or</li> <li>(b) attendance for work in a building used for the manufacture of footwear or components of footwear made wholly or partly of leather or fibre board, or</li> <li>(c) attendance for work at a place used wholly or mainly for the repair of footwear made wholly or partly of leather or fibre board.</li> </ul>
<p>D7. Asthma which is due to exposure to any of the following agents –</p> <ul style="list-style-type: none"> <li>(a) isocyanates,</li> <li>(b) platinum salts,</li> <li>(c) fumes or dusts arising from the manufacture, transport or use of hardening agents (including epoxy resin curing agents) based on phthalic anhydride, tetrachlorophthalic</li> </ul>	<p>Exposure to any of the agents set out in column 1 of this paragraph</p>

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	anhydride, trimellitic anhydride or triethylenetetramine,	
(d)	fumes arising from the use of rosin as a soldering flux,	
(e)	proteolytic enzymes,	
(f)	animals including insects and other arthropods used for the purposes of research or education or in laboratories,	
(g)	dusts arising from the sowing, cultivation, harvesting, drying, handling, milling, transport or storage of barley, oats, rye, wheat or maize, or the handling, milling, transport or storage of meal or flour made therefrom,	
(h)	antibiotics,	
(i)	cimetidine,	
(j)	wood dust,	
(k)	ispaghula,	
(l)	castor bean dust,	
(m)	ipecacuanha,	
(n)	azodicarbonamide,	
(o)	animals including insects and other arthropods or their larval forms, used for the purposes of pest control or fruit cultivation, or the larval	

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<p>forms of animals used for the purposes of research, education or in laboratories,</p> <p>(p) glutaraldehyde,</p> <p>(q) persulphate salts or henna,</p> <p>(r) crustaceans or fish or products arising from these in the food processing industry,</p> <p>(s) reactive dyes,</p> <p>(t) soya bean,</p> <p>(u) tea dust,</p> <p>(v) green coffee bean dust,</p> <p>(w) fumes from stainless steel welding,</p> <p>(x) any other sensitising agent (occupational asthma).</p>	
<p>D8. Primary carcinoma of the lung where there is accompanying evidence of one or both of the following –</p> <p>(a) asbestosis,</p> <p>(b) unilateral or bilateral diffuse pleural thickening extending to a thickness of 5mm or more at any point within the area affected as measured by a plain chest radiograph (not being a computerised tomography scan or other form of imaging which –</p> <p>(i) in the case of</p>	<p>(a) The working or handling of asbestos or any admixture of asbestos, or</p> <p>(b) the manufacture or repair of asbestos textiles or other articles containing or composed of asbestos, or</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, or</p> <p>(d) substantial exposure to the dust arising from any of the foregoing operations.</p>

<p>unilateral diffuse pleural thickening, covers 50% or more of the area of the chest wall of the lung affected, or</p> <p>(ii) in the case of bilateral diffuse pleural thickening, covers 25% or more of the combined area of the chest wall of both lungs.</p>	
<p>D9. Unilateral or bilateral diffuse pleural thickening extending to a thickness of 5mm or more at any point within the area affected as measured by a plain chest radiograph (not being a computerised tomography scan or other form of imaging which –</p> <p>(i) in the case of unilateral diffuse pleural thickening, covers 50% or more of the area of the chest wall of the lung affected, or</p> <p>(ii) in the case of bilateral diffuse pleural thickening, covers 25% or more of the combined area of the chest wall of both lungs.</p>	<p>(a) The working or handling of asbestos or any admixture of asbestos, or</p> <p>(b) the manufacture or repair of asbestos textiles or other articles containing or composed of asbestos, or</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, or</p> <p>(d) substantial exposure to the dust arising from any of the foregoing operations.</p>
<p>D10. Primary carcinoma of the lung.</p>	<p>(a) Work underground in a tin mine, or</p> <p>(b) exposure to bis(chloromethyl) ether produced during the manufacture of chloromethyl methyl ether, or</p> <p>(c) exposure to zinc chromate calcium chromate or strontium chromate in their pure forms.</p>
<p>D11. Primary carcinoma of the lung</p>	<p>Exposure to silica dust in the course of –</p>

where there is accompanying evidence of silicosis.	<ul style="list-style-type: none"><li>(a) the manufacture of glass or pottery,</li><li>(b) tunnelling in or quarrying sandstone or granite,</li><li>(c) mining metal ores,</li><li>(d) slate quarrying or the manufacture of artefacts from slate,</li><li>(e) mining clay,</li><li>(f) using siliceous materials as abrasives,</li><li>(g) cutting stone,</li><li>(h) stonemasonry, or</li><li>(i) work in a foundry. ]</li></ul>
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**NOTE**

*The Third Schedule was substituted by the Social Insurance (Industrial Injuries Benefits) (Amendment) Regulations, 2002, regulation 6, with effect from 1st January, 2003.*

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FOURTH SCHEDULE      Regulation twenty-one  
REGULATIONS REPEALED

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

The Social Insurance (Industrial Disablement Benefit) (Amendment) (Guernsey) Regulations, 1968.

The Social Insurance (Prescribed Diseases) (Guernsey) Regulations, 1964.

The Social Insurance (Prescribed Diseases) (Amendment) (Guernsey) Regulations, 1968.

The Social Insurance (Prescribed Diseases) (Amendment) (Guernsey) Regulations, 1969.

The Social Insurance (Prescribed Diseases) (Amendment) (Guernsey) Regulations, 1972.

The Social Insurance (Prescribed Diseases) (Amendment) (Guernsey) Regulations, 1976.

[FIFTH SCHEDULE

Regulation 6(8)

ASSESSMENT OF THE EXTENT OF OCCUPATIONAL DEAFNESS

PART I

Average of hearing losses due to all causes at 1, 2 and 3 kHz frequencies	Degree of disablement per cent
50 – 52 dB	20
53 – 57 dB	30
58 – 62 dB	40
63 – 67 dB	50
68 – 72 dB	60
73 – 77 dB	70
78 – 82 dB	80
83 – 87 dB	90
88 dB or more	100

PART II

FORMULA FOR CALCULATING BINAURAL DISABLEMENT

(Degree of disablement of better ear × 4)	+	Degree of disablement of worse ear
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**NOTE**

*The Fifth Schedule was inserted by the Social Insurance (Industrial Injuries Benefits) (Amendment) Regulations, 2002, regulation 7, with effect from 1st January, 2003.*

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**1** The functions, rights and liabilities of the Social Security Department and its Minister arising under or by virtue of these Regulations were previously transferred to and vested in them, respectively, from the Social Security Authority and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance,

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2003, section 1, Schedule 1, paragraph 26 and section 5, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance; the functions of the Guernsey Social Security Authority under this Law were previously transferred to it from the States Insurance Authority by the Guernsey Social Security Authority (Transfer of Functions) Ordinance, 1993, section 1, Schedule 1, paragraph 3, with effect from 29th September, 1993, subject to the savings in section 2 of the 1993 Ordinance.

<sup>2</sup> The Second Schedule was previously substituted by the Social Insurance (Increase of Benefit) (Guernsey) Regulations, 1979, regulation 6, Sixth Schedule, with effect from 19th November, 1979; the Social Insurance (Increase of Benefit) (Guernsey) Regulations, 1980, regulation 7, Sixth Schedule, with effect from 17th November, 1980; the Social Insurance (Increase of Benefit) (Guernsey) Regulations, 1982, regulation 7, Sixth Schedule, with effect from 15th November, 1982; the Social Insurance (Increase of Benefit) (Guernsey) Regulations, 1983, regulation 7, Sixth Schedule, with effect from 11th November, 1985; the Social Insurance (Increase of Benefit) (Guernsey) Regulations, 1985, regulation 8, Seventh Schedule, with effect from 14th November, 1983; the Social Insurance (Increase of Benefit) Regulations, 1986, regulation 8, Seventh Schedule, with effect from 10th November, 1986; the Social Insurance (Increase of Benefit) Regulations, 1987, regulation 8, Seventh Schedule, with effect from 9th November, 1987; the Social Insurance (Increase of Benefit) Regulations, 1988, regulation 8, Seventh Schedule, with effect from 7th November, 1988; the Social Insurance (Increase of Benefit) Regulations, 1989, regulation 8, Sixth Schedule, with effect from 6th November, 1989; the Social Insurance (Increase of Benefit) Regulations, 1990, regulation 4, Sixth Schedule, with effect from 5th November, 1990; the Social Insurance (Increase of Benefit) Regulations, 1991, regulation 5, Eighth Schedule, with effect from 4th November, 1991; the Social Insurance (Increase of Benefit) Regulations, 1992, regulation 5, Eighth Schedule, with effect from 2nd November, 1992; the Social Insurance (Increase of Benefit) Regulations, 1993, regulation 5, Eighth Schedule, with effect from 1st November, 1993; the Social Insurance (Increase of Benefit) Regulations, 1994, regulation 5, Eighth Schedule, with effect from 7th November, 1994; the Social Insurance (Increase of Benefit) Regulations, 1995, regulation 5, Eighth Schedule, with effect from 6th November, 1995; the Social Insurance (Increase of Benefit) Regulations, 1996, regulation 5, Eighth Schedule, with effect from 6th January, 1997; the Social Insurance (Increase of Benefit) Regulations, 1997, regulation 5, Eighth Schedule, with effect from 5th January, 1998; the Social Insurance (Increase of Benefit) Regulations, 1998, regulation 5, Eighth Schedule, with effect from 4th January, 1999; the Social Insurance (Increase of Benefit) Regulations, 1999, regulation 2, First Schedule, with effect from 3rd January, 2000.