

12 OF 1925.

A.D. 1525. TO PROVIDE FOR THE REGULATION AND INSPECTION OF
 12 of 1925. MINES AND FOR THE PAYMENT OF COMPENSATION TO
 WORKMEN FOR INJURIES SUFFERED IN THE COURSE
 OF THEIR EMPLOYMENT IN MINES.

MALCOLM STEVENSON.]

[April 29, 1925.

BE it enacted:—

Short title

1. This Law may be cited as the Mines Regulations (Amendment) Law, 1925, and shall be read in conjunction with the Mines Regulations Law, 2 Shaban, 1285, and the Mines Regulations Amendment Law, 1882.

PART I.

Inspection of Mines.

Power to
 High Com-
 missioner to
 make regula-
 tions.

2. The High Commissioner in Council may from time to time make and when made may alter, amend, or cancel regulations for—

(a) Inspecting and examining into the state and condition, and ensuring the due ventilation, of any mine or part thereof.

(b) Regulating all matters and things connected with or relating to the safety and health of the persons employed in or about any mine or connected with or relating to the machinery in or attached to any such mine.

(c) Inspecting and examining the state of the external parts of the machinery used upon or in the mines and the state of all plants, works and ways.

(d) Inspecting the storage of explosives upon any mines.

(e) The issuing of notices to the owners, superintendents, managers, or persons in charge of any mine, calling upon them to execute any work for any of the above purposes.

(f) The appointment of a Controller and Inspectors or Inspector of mines.

(g) The reporting to the Chief Secretary to Government by the owner, superintendent, manager or person in charge of any mine of any loss of life, or serious personal injury to any person employed in the mines by reason of any accident or mishap at such mine.

(h) Any other purpose necessary for carrying out the provisions of this Part of this Law.

3. Any person who shall—

(a) open, work or use a mine in contravention of the regulations or any of them made under section 2 hereof, Penalties.

(b) hinder or obstruct any Inspector when inspecting any mine or the machinery of any mine, under the provisions of section 2 hereof or any regulation made thereunder,

(c) refuse or neglect to execute any work after receiving notice in writing in that behalf,

(d) keep any mine in an insanitary state or condition or without ensuring the due ventilation thereof,

(e) commit any breach of any of the regulations made under section 2 of this Law,

shall be guilty of an offence and be liable on a first conviction to a fine not exceeding five pounds or to imprisonment not exceeding three months or to both such punishments, and on any subsequent conviction to a fine not exceeding ten pounds or to imprisonment not exceeding six months or to both such punishments.

4. If at any time it is shewn to the satisfaction of the High Commissioner that a mine is in such condition as to render mining operations dangerous to the safety of the workmen employed in or about such mine, the High Commissioner may order either (a) that such mine be closed or (b) that such works be executed as will enable mining operations to be conducted with due regard to the safety of the workmen employed in or about such mine. Power to High Commissioner to close mine.

PART II.

Compensation for Injuries.

5. In this Part of this Law, unless the context otherwise requires— Definitions.

“Employer” includes any body of persons corporate or unincorporate and the legal personal representative

*Repealed by
Law 36/1948.*

of a deceased employer, and, where the services of a workman are temporarily lent or let on hire to another person by the person with whom the workman has entered into a contract of service or apprenticeship, the latter shall, for the purposes of this Law, be deemed to continue to be the employer of the workman whilst he is working for that other person ;

“ Workman ” does not include any person employed otherwise than by way of manual labour whose remuneration exceeds two hundred pounds a year, or a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer’s trade or business, or a member of a police force, or an out worker, or a member of the employer’s family dwelling in his house, but, save as aforesaid, means any person who has entered into or works under a contract of service or apprenticeship with an employer, whether by way of manual labour, clerical work, or otherwise, and whether the contract is expressed or implied, is oral or in writing ;

Any reference to a workman who has been injured shall, where the workman is dead, include a reference to his legal personal representative or to his dependants or other person to whom or for whose benefit compensation is payable ;

“ Dependants ” means such of the members of the workman’s family as were wholly or in part dependent upon the earnings of the workman at the time of his death, or would but for the incapacity due to the accident have been so dependent, and where the workman, being the parent or grandparent of an illegitimate child, leaves such a child so dependent upon his earnings, or, being an illegitimate child, leaves a parent or grandparent so dependent upon his earnings, shall include such an illegitimate child and parent or grandparent respectively ;

“ Member of a family ” means wife or husband, father, mother, grandfather, grandmother, step-father, step-mother, son, daughter, grandson, granddaughter, step-son, step-daughter, brother, sister, half-brother, half-sister.

Liability of
employers to
workmen for
injuries.

6.—(1) If in any employment in a mine personal injury by accident arising out of and in the course of such employment is caused to a workman, his employer shall, subject as hereinafter mentioned, be liable to pay compensation in accordance with the First Schedule to this Law.

(2) Provided that—

(a) The employer shall not be liable under this Law in respect of any injury which does not disable the workman for a period of at least one week from earning full wages at the work at which he was employed.

(b) When the injury was caused by the personal negligence or wilful act of the employer nothing in this Law shall affect any civil liability of the employer, but in that case the workman may, at his option, either claim compensation under this Law or take proceedings independently of this Law ; but the employer shall not be liable to pay compensation for injury to a workman by accident arising out of and in the course of the employment in a mine both independently of and also under this Law and shall not be liable to any proceedings independently of this Law, except in case of such personal negligence or wilful act as aforesaid.

(c) If it is proved that the injury to a workman is attributable to the serious and wilful misconduct of that workman any compensation claimed in respect of that injury shall, unless the injury results in death or serious and permanent disablement, be disallowed.

(3) If any question arises in any proceedings under this Law as to the liability to pay compensation under this Law (including any question as to whether the person injured is a workman to whom this Law applies), or as to the amount or duration of compensation under this Law, the question, if not settled by agreement within six months from the date of claim, shall, subject to the provisions of the First Schedule to this Law, be settled by the District Court, in accordance with procedure prescribed by Rules of Court.

(4) If, within the time hereinafter in this Law limited for taking proceedings, an action is brought to recover damages independently of this Law for injury caused by any accident, and it is determined in such action that the injury is one for which the employer is not liable in such action, but that he would have been liable to pay compensation under the provisions of this Law, the action shall be dismissed ; but the Court in which the action is tried shall, if the Plaintiff so choose, proceed to assess such compensation, but may deduct from such compensation all or part of the costs, which, in its judgment have

been caused by the plaintiff bringing the action instead of proceeding under this Law.

Time for
taking pro-
ceedings.

7.—(1) Proceedings for the recovery under this Law of compensation for an injury shall not be maintainable unless notice of the accident has been given as soon as practicable after the happening thereof and before the workman has voluntarily left the employment in which he was injured, and unless the claim for compensation with respect to such accident has been made within six months from the occurrence of the accident causing the injury, or, in case of death, within six months from the time of death :

Provided always that—

(a) the want of or any defect or inaccuracy in such notice shall not be a bar to the maintenance of such proceedings if it is found in the proceedings for settling the claim that the employer is not, or would not, if a notice or an amended notice were then given and the hearing postponed, be prejudiced in his defence by the want, defect or inaccuracy, or that such want, defect or inaccuracy was occasioned by mistake, absence from the island of Cyprus, or other reasonable cause ; and

(b) the failure to make a claim within the period above specified shall not be a bar to the maintenance of such proceedings if it is found that the failure was occasioned by mistake, absence from the island of Cyprus, or other reasonable cause.

(2) Notice in respect of an injury under this Law shall give the name and address of the person injured, and shall state in ordinary language the cause of the injury and the date at which the accident happened, and shall be served on the employer, or, if there is more than one employer, upon one of such employers.

(3) The notice may be served by delivering the same at, or sending it by post in a registered letter addressed to, the residence or place of business of the person on whom it is to be served.

(4) Where the employer is a body of persons, corporate or unincorporate, the notice may also be served by delivering the same at, or by sending it by post in a registered