

# ÉIRE.

## AN BILLE UM CHUITEAMH DO LUCHT OIBRE (LEASU), 1948.

### WORKMEN'S COMPENSATION (AMENDMENT) BILL, 1948.

*Mar do ritheadh ag dhá Thigh an Oireachtais.*

*As passed by both Houses of the Oireachtas.*

#### ARRANGEMENT OF SECTIONS.

##### Section.

1. Definitions.
2. "The appointed day".
3. Supplementary allowance to workmen entitled to weekly payments under the Workmen's Compensation Acts, 1897 and 1900, and the Workmen's Compensation Act, 1906.
4. Amendment of section 5 of the Act of 1934.
5. Amendment of the Second Schedule to the Act of 1934.
6. Amendment of the Third Schedule to the Act of 1934.
7. Institution of proceedings to recover compensation under the Act of 1934 in non-fatal cases where workman in receipt of voluntary payment.
8. Revocation of certain orders.
9. Short title and collective citation.

# ÉIRE.

## AN BILLE UM CHUITEAMH DO LUCHT OIBRE (LEASU), 1948.

### WORKMEN'S COMPENSATION (AMENDMENT) BILL, 1948.

# BILL

5

*entitled*

AN ACT TO AMEND THE ENACTMENTS RELATING TO  
COMPENSATION TO WORKMEN FOR INJURIES  
SUFFERED IN THE COURSE OF THEIR EMPLOY-  
MENT.

10

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS :—

Definitions.

1.—In this Act—

Acts of 1897  
and 1900.

the expression "The Acts of 1897 and 1900" means the Work-  
men's Compensation Acts, 1897 and 1900;

Act of 1906.

the expression "The Act of 1906" means the Workmen's Com- 15  
pensation Act, 1906;

Act of 1934.

the expression "the Act of 1934" means the Workmen's Com-  
pensation Act, 1934 (No. 9 of 1934);

weekly payment  
by way of  
compensation  
under the Acts  
of 1897 and  
1900 or the  
Act of 1906.

the references to a weekly payment by way of compensation under  
the Acts of 1897 and 1900 or the Act of 1906 include references 20  
to any sum payable under section 14 of the Act of 1934.

"The appointed  
day".

2.—The Minister for Social Welfare may by order appoint a day  
to be the appointed day for the purposes of this Act, and in this  
Act the expression "the appointed day" means the day so  
appointed.

25

Supplementary  
allowance to  
workmen  
entitled to  
weekly payments  
under the  
Workmen's  
Compensation  
Acts, 1897 and  
1900, and the  
Workmen's  
Compensation  
Act, 1906.

3.—Where a workman is entitled to a weekly payment by way of  
compensation under the Acts of 1897 and 1900 or the Act of 1906  
in respect of any week commencing on or after the appointed day—

(a) the workman shall, subject to *paragraph* (b) of this section,  
be entitled, in respect of that week, to a supplementary 30  
allowance equal to two-thirds of the weekly payment,

(b) the supplementary allowance shall not exceed such sum as  
together with the weekly payment amounts to fifty  
shillings per week,

(c) the supplementary allowance shall for all the purposes of 35  
the Acts of 1897 and 1900 or the Act of 1906 (whichever  
is appropriate) be deemed to be part of the weekly pay-  
ment and shall accordingly be payable by the employer  
liable to make the weekly payment.

Amendment of  
section 5 of  
the Act of  
1934.

4.—(1) In paragraph (a) of subsection (2) of section 5 of the Act 40  
of 1934, the words "five hundred pounds" shall be substituted for  
the words "three hundred and fifty pounds".

(2) The amendment effected by *subsection (1)* of this section shall not apply to any case where the accident happened before the appointed day.

5.—In sub-paragraph (e) of paragraph (1) of rule 3 of the Second Schedule to the Act of 1934, the expression “sub-paragraph (c)” shall be substituted for the expression “sub-paragraph (b)”. Amendment of the Second Schedule to the Act of 1934.

6.—(1) (a) In the Third Schedule to the Act of 1934, the following rule shall be substituted for rule 2—  
“2. The weekly payment shall in no case exceed fifty shillings.” Amendment of the Third Schedule to the Act of 1934.

(b) Subject to *subsection (2)* of this section, *paragraph (a)* of this subsection shall come into operation on the appointed day and shall apply in relation to the computation of a weekly payment by way of compensation under the Act of 1934, notwithstanding that the accident happened before the appointed day.

(2) Where a workman is entitled to a weekly payment by way of compensation under the Act of 1934 in respect of a week commencing before and ending on or after the appointed day, the amendment effected by *subsection (1)* of this section shall not apply in respect of him until the expiration of that week.

7.—(1) Where a workman is being paid, otherwise than under an order of the Court or a weekly payment agreement duly registered under Part VI of the Act of 1934, a periodical payment purporting to be by way of compensation under the Act of 1934 in respect of an injury by accident (including an accident occurring after the commencement of the Act of 1934 and before the appointed day) arising out of and in the course of his employment, the workman may, notwithstanding any rule of law or anything contained in the Act of 1934, maintain proceedings for the recovery of compensation under the Act of 1934 for such injury. Institution of proceedings to recover compensation under the Act of 1934 in non-fatal case where workman in receipt of voluntary payment.

(2) Where—

(a) proceedings are, by virtue of *subsection (1)* of this section, instituted by a workman for the recovery under the Act of 1934 of compensation for an injury, and

(b) the Court decides to award compensation, and

(c) the accident causing the injury occurred more than six months before the date of the hearing of the proceedings, the following provisions shall have effect—

(i) if the workman was at the date of the accident under twenty-one years of age, the amount of the weekly payment may be such amount (not exceeding in any case fifty shillings per week) as would be awardable if the workman had at the time of the accident been earning the weekly sum which he would probably have been earning at the date of the hearing of the proceedings if he had remained uninjured;

(ii) if it is claimed and proved that, had the workman remained uninjured and continued in the same class of employment as that in which he was employed at the date of the accident, his average weekly earnings during the twelve months preceding the date of the hearing of the proceedings would, as the result of fluctuations in the rates of remuneration, have been greater or less by more than twenty per cent. than his average weekly earnings during the twelve months previous to the accident, the amount of the weekly payment shall be such amount (not exceed-

ing in any case fifty shillings per week) as it would have been if the rates of remuneration obtaining during the twelve months previous to the date of the hearing of the proceedings had obtained during the twelve months previous to the accident;

5

(iii) if an application is subsequently made under section 25 of the Act of 1934 to review the weekly payment, the weekly payment, as fixed by the Court under this subsection, shall, for the purpose of subsection (3) of the said section 25, be deemed to have been varied by a review under the said section 25.

10

(3) This section shall come into operation on the appointed day.

(4) This section shall be construed as one with the Act of 1934.

Revocation  
of certain  
orders.

8.—The Emergency Powers (No. 274) Order, 1943 (S.R. & O., No. 118 of 1943), and the Emergency Powers (No. 274) Order, 1943 (Amendment) Order, 1944 (S.R. & O., No. 3 of 1944), are hereby revoked as on and from the appointed day, but so much of those orders as relates to supplementary allowances shall continue to apply to a workman, who is entitled to a weekly payment by way of compensation under the Acts of 1897 and 1900, the Act of 1906 or the Act of 1934 in respect of a week commencing before and ending on or after the appointed day, until the expiration of that week.

15

20

Short title  
and collective  
citation.

9.—(1) This Act may be cited as the Workmen's Compensation (Amendment) Act, 1948.

(2) The Act of 1934 and this Act may be cited together as the Workmen's Compensation Acts, 1934 and 1948.

25

File

File

NOT FOR THE USE OF THE UNITED STATES GOVERNMENT

AND THE UNITED STATES DEPARTMENT OF JUSTICE

UNITED STATES GOVERNMENT PRINTING OFFICE

RECEIVED BY THE DEPARTMENT OF JUSTICE

NOV 11 1918

AN BILL OF THE HOUSE OF REPRESENTATIVES  
COMMITTEE ON THE JUDICIARY  
JANUARY 1918

THE HOUSE OF REPRESENTATIVES

IN SENATE NOVEMBER 11, 1918

REPORT OF THE COMMITTEE ON THE JUDICIARY

ON THE BILL OF THE HOUSE OF REPRESENTATIVES

COMMITTEE ON THE JUDICIARY

IN SENATE NOVEMBER 11, 1918

REPORT OF THE COMMITTEE ON THE JUDICIARY

ON THE BILL OF THE HOUSE OF REPRESENTATIVES

COMMITTEE ON THE JUDICIARY

IN SENATE NOVEMBER 11, 1918

REPORT OF THE COMMITTEE ON THE JUDICIARY

ON THE BILL OF THE HOUSE OF REPRESENTATIVES

COMMITTEE ON THE JUDICIARY

IN SENATE NOVEMBER 11, 1918

REPORT OF THE COMMITTEE ON THE JUDICIARY

ON THE BILL OF THE HOUSE OF REPRESENTATIVES

COMMITTEE ON THE JUDICIARY

IN SENATE NOVEMBER 11, 1918

REPORT OF THE COMMITTEE ON THE JUDICIARY

ON THE BILL OF THE HOUSE OF REPRESENTATIVES

COMMITTEE ON THE JUDICIARY

IN SENATE NOVEMBER 11, 1918

REPORT OF THE COMMITTEE ON THE JUDICIARY

ON THE BILL OF THE HOUSE OF REPRESENTATIVES

COMMITTEE ON THE JUDICIARY

IN SENATE NOVEMBER 11, 1918

REPORT OF THE COMMITTEE ON THE JUDICIARY

ON THE BILL OF THE HOUSE OF REPRESENTATIVES

COMMITTEE ON THE JUDICIARY

IN SENATE NOVEMBER 11, 1918

REPORT OF THE COMMITTEE ON THE JUDICIARY

ON THE BILL OF THE HOUSE OF REPRESENTATIVES

COMMITTEE ON THE JUDICIARY

IN SENATE NOVEMBER 11, 1918

REPORT OF THE COMMITTEE ON THE JUDICIARY

ON THE BILL OF THE HOUSE OF REPRESENTATIVES

COMMITTEE ON THE JUDICIARY

IN SENATE NOVEMBER 11, 1918

REPORT OF THE COMMITTEE ON THE JUDICIARY

ON THE BILL OF THE HOUSE OF REPRESENTATIVES

COMMITTEE ON THE JUDICIARY

IN SENATE NOVEMBER 11, 1918

REPORT OF THE COMMITTEE ON THE JUDICIARY

ON THE BILL OF THE HOUSE OF REPRESENTATIVES

COMMITTEE ON THE JUDICIARY

IN SENATE NOVEMBER 11, 1918

REPORT OF THE COMMITTEE ON THE JUDICIARY

ON THE BILL OF THE HOUSE OF REPRESENTATIVES

PUBLISHED BY THE STATIONERY OFFICE

To be purchased through any bookseller or directly  
from the Government Printing Office  
1-1 (Litho) Price 10c

Printed at the U.S. G.P.O.

1918

ANNA E. HARRIS, CLERK OF THE HOUSE OF REPRESENTATIVES

For a full and complete list of the bills and resolutions  
passed by the House of Representatives, see the  
House Record, Vol. 62, Part 1, p. 100.

Classified as Class A, 10c

(How Class)

For a full and complete list of the bills and resolutions  
passed by the House of Representatives, see the  
House Record, Vol. 62, Part 1, p. 100.

Éire.

---

AN BILLE UM CHUITEAMH DO LUCHT  
OIBRE (LEASU), 1948.

---

BILLE

*dá ngairmtear*

Acht do leasú na n-achtachán a bhaineas le  
cúiteamh do lucht oibre i ndíobháil a tharla  
dhóibh i geúrsa a bhfostaíochta.

---

*Rite ag dhá Thigh an Oireachtais,  
16ú Nollaig, 1948.*

---

BAILE ÁTHA CLIATH:  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR.

Le ceannach díreach ón Oifig Díolta Foilseachán Rialtais,  
3-4 Sráid an Cholaíste, Baile Átha Cliath, nó trí  
aon díoltóir leabhar.

Cló-bhuailte ag CAHILL & Co., LTD.

[*Raol Glan.*]

Wt. 203—647. 6. 12/48. C.&Co. (5879).

Éire.

---

WORKMEN'S COMPENSATION (AMEND-  
MENT) BILL, 1948.

---

BILL

*entitled*

An Act to amend the enactments relating to com-  
pensation to workmen for injuries suffered  
in the course of their employment.

---

*Passed by both Houses of the Oireachtas,  
16th December, 1948.*

---

DUBLIN:  
PUBLISHED BY THE STATIONERY OFFICE.

To be purchased through any bookseller, or directly  
from the Government Publications Sale Office,  
3-4 College Street, Dublin.

Printed by CAHILL & Co., LTD.

[*Sixpence Net.*]