



THE STATUTES OF THE REPUBLIC OF SINGAPORE

PERSONAL INJURIES (EMERGENCY PROVISIONS) ACT

(CHAPTER 228)

(Original Enactment: Ordinance 50 of 1941)

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Personal Injuries (Emergency Provisions) Act

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An Act to make provision as respects certain personal injuries sustained during the period of the emergency extending from 8th December 1941 to 15th September 1945.

[8th December 1941]

Short title

1. This Act may be cited as the Personal Injuries (Emergency Provisions) Act.

Interpretation

2.—(1) In this Act unless the context otherwise requires —

“Authority” means the officer or person for the time being appointed as such under section 3;

“civil defence organisation” means any organisation established for civil defence purposes which is declared by a scheme to be

a civil defence organisation for the purpose of this Act and the scheme;

“civil defence volunteer”, in relation to an injury, means a person certified by a responsible officer of a civil defence organisation to have been a member of that organisation at the time when the injury was sustained;

“gainfully occupied person” means a person who is engaged in any trade, business, profession, office, employment or vocation and is wholly or substantially dependent thereon for a livelihood, or a person who, though temporarily unemployed, is normally so engaged and dependent;

“period of the emergency” means the period beginning with the commencement of this Act and ending on 15th September 1945*;

“scheme” means a scheme made under this Act;

“war injuries” means physical injuries —

(a) caused by —

(i) the discharge of any missile (including liquids and gas);

(ii) the use of any weapon, explosive or other noxious thing; or

(iii) the doing of any other injurious act,

either by the enemy or in combating the enemy or in repelling an imagined attack by the enemy or during the training or exercising of armed forces; or

(b) caused by the impact on any person or property of any enemy aircraft, or any aircraft belonging to, or held by any person on behalf of or for the benefit of Her Majesty or any allied power, or any part of, or anything dropped from, any such aircraft;

*Declared by G.N. No. 1202/50 to be the date on which the emergency that was the occasion of the passing of this Act came to an end.

“war service injury”, in relation to a civil defence volunteer, means any physical injury which the Authority certifies to have been shown to his satisfaction to have arisen out of and in the course of the performance by the volunteer of his duties as a member of the civil defence organisation to which he belonged at the time when the injury was sustained, and (except in the case of a war injury) not to have arisen out of and in the course of his employment in any other capacity.

[S (NS) 179/59]

(2) No certificate shall be given by the Authority in relation to the definition of “war service injury” in subsection (1), unless he has been furnished with a report about the injury in question by a responsible officer of the civil defence organisation of which the volunteer concerned was a member at the time when the injury was sustained and any such certificate may be revoked by the Authority at any time on new facts being brought to his notice.

Appointment of Authority

3.—(1) The President may appoint an Authority for the purposes of this Act.

[S (NS) 179/59]

(2) Such appointment may be made by name or office and, if made by office, shall relate to any officer who at the time of the appointment or thereafter is performing the duties of that office.

Allowances and pensions in respect of certain war injuries and war service injuries

4.—(1) The President may make a scheme in accordance with the provisions of this Act providing for the making of payments in respect of the following injuries sustained during the period of the emergency:

- (a) war injuries sustained by gainfully occupied persons (with such exceptions, if any, as may be specified in the scheme) and by persons of such other classes as may be so specified; and
- (b) war service injuries sustained by civil defence volunteers.

[S (NS) 178/59]

(2) In respect of any such injury, a scheme may authorise the Authority, in such circumstances and subject to such conditions as may be specified in the scheme, to make the following payments to or in respect of the person injured:

- (a) payments by way of allowance (referred to in this Act as injury allowances), which shall be payable only so long as the person injured is incapacitated for work by the injury and has not received any such payment as is mentioned in paragraph (b); and
- (b) payments by way of pension or grant, which shall be payable only where the injury causes serious and prolonged disablement or death.

(3) A scheme may empower the Authority to make regulations for giving effect to the purposes of the scheme.

(4) Any decision of the Authority as to the making, refusal or amount, or as to the continuance or discontinuance, of a payment under a scheme may be varied by a subsequent decision of the Authority or of the President, but except in so far as it is so varied shall be final and conclusive.

[S (NS) 179/59]

(5) All expenses incurred by the Authority in giving effect to a scheme shall be defrayed out of the Pension Fund established by the Pension Fund Act 1995.

[S 223/59]

[Act 8/95 wef 01/04/1995 vide S 160/95]

Procedure as to schemes

5.—(1) A scheme may provide that it shall come into operation, or shall be deemed to have come into operation, on such date as may be specified therein.

(2) A scheme may be amended or revoked by a subsequent scheme or by an order made by the President.

[S (NS) 178/59]

Relief from liability to pay compensation or damages

6.—(1) In respect of a war injury sustained during the period of the emergency by any person, and in respect of a war service injury sustained during that period by a civil defence volunteer, no such compensation or damages shall be payable, whether to the person injured or to any other person, as apart from the provisions of this subsection —

- (a) would be payable under the Work Injury Compensation Act [Cap. 354]; or
- (b) would, whether by virtue of any written law, by virtue of any contract, or at common law, be payable —
 - (i) in the case of a war injury, by any person; or
 - (ii) in the case of a war service injury sustained by a civil defence volunteer, by the employer of the volunteer, by any person who has any responsibility in connection with his duties as a volunteer or by any other civil defence volunteer,

on the ground that the injury in question was attributable to some negligence, nuisance or breach of duty for which the person by whom the compensation or damages would be payable is responsible.

(2) The failure to give a notice or make a claim or commence proceedings within the time required by any written law shall not be a bar to the maintenance of proceedings in respect of any personal injury, if —

- (a) an application for a payment under a scheme, or under any other written law or instrument, has been duly made to the Authority in respect of the injury;
- (b) the court before which the proceedings are brought is satisfied that the application was made in the reasonable belief that the injury was such that a payment could be made under the scheme or that other written law or instrument, as the case may be;
- (c) the Authority certifies that the application was rejected, or that payments made in pursuance of the application were

discontinued, on the ground that the injury was not such an injury; and

- (d) the proceedings are commenced within one month from the date of the certificate of the Authority.

Reduction of sick pay by amount of allowances

7. Where an employee —

- (a) is in receipt of an injury allowance under a scheme during a period for which he is incapacitated for work; and
- (b) would, but for this section, be entitled to receive a sum from his employer by way of wages or other emoluments in respect of that period,

the employer shall be under no obligation to pay to him in respect of that period an amount greater than the amount by which that sum exceeds that allowance.

Information as to earnings

8.—(1) Where it is necessary, in order to determine the amount of any payment to be awarded under a scheme in respect of any injury, to ascertain the earnings of the person injured in respect of any period before he sustained the injury, the Authority may by notice in writing require —

- (a) any person who was an employer of the injured person during that period; and
- (b) any other person having any knowledge with respect to the financial circumstances of the injured person during that period,

to furnish in accordance with the notice any information in his possession relating to those earnings or circumstances, and to produce to any person specified in the notice any wage books, records or other documents in his possession containing any entries with respect to those earnings.

(2) If any person —

- (a) fails to comply with the requirements of any such notice; or

(b) in purported compliance with any such notice, knowingly or recklessly makes any untrue statement or untrue representation, or produces any document which is false in a material particular or calculated to deceive,

he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$250.

Penalty for false statement

9. Any person who, for the purpose of obtaining a payment under a scheme, either for himself or for any other person, knowingly makes any untrue statement or untrue representation, shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 3 months.

Assignments, etc., to be void

10. Any assignment of, or charge on, and any agreement to assign or charge, any payment awarded or to be awarded under a scheme shall be void, and, on the bankruptcy of any person to whom such a payment has been awarded, the payment shall not pass to the Official Assignee or other person acting on behalf of the creditors.

LEGISLATIVE HISTORY
PERSONAL INJURIES (EMERGENCY PROVISIONS) ACT
(CHAPTER 228)

This Legislative History is provided for the convenience of users of the Personal Injuries (Emergency Provisions) Act. It is not part of the Act.

1. Ordinance 50 of 1941 — Personal Injuries (Emergency Provisions) Ordinance 1941

Dates of First, Second and Third Readings : Dates not available

Date of commencement : 8 December 1941

2. 1955 Revised Edition — Personal Injuries (Emergency Provisions) Act (Chapter 288)

Date of operation : 1 July 1956

3. S (NS) 178/1959 — Singapore Constitution (Modification of Laws) (No. 4) Order, 1959

Date of commencement : 20 November 1959

4. S (NS) 179/1959 — Singapore Constitution (Modification of Laws) (No. 5) Order, 1959

Date of commencement : 20 November 1959

5. G. N. No. S 223/1959 — Singapore Constitution (Modification of Laws) (No. 6) Order, 1959

Date of commencement : 3 June 1959

6. 1985 Revised Edition — Personal Injuries (Emergency Provisions) Act

Date of operation : 30 March 1987

7. Act 8 of 1995 — Pension Fund Act 1995

Date of First Reading : 23 January 1995
(Bill No. 2/1995 published on
24 January 1995)

Date of Second and Third Readings : 1 March 1995

Date of commencement : 1 April 1995

8. Act 5 of 2008 — Workmen’s Compensation (Amendment) Act 2008

Date of First Reading : 12 November 2007
(Bill No. 50/2007 published on
13 November 2007)

Date of Second and Third Readings : 22 January 2008

Date of commencement : 1 April 2008