



THE STATUTES OF THE REPUBLIC OF SINGAPORE

WORK INJURY COMPENSATION ACT 2019

2020 REVISED EDITION

This revised edition incorporates all amendments up to and including 1 December 2021 and comes into operation on 31 December 2021.

Prepared and Published by

THE LAW REVISION COMMISSION
UNDER THE AUTHORITY OF
THE REVISED EDITION OF THE LAWS ACT 1983

Informal Consolidation – version in force from 13/1/2022

Work Injury Compensation Act 2019

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An Act to repeal and re-enact with amendments the Work Injury Compensation Act (Chapter 354, 2009 Revised Edition) to provide for the payment of compensation to employees for injury suffered

arising out of and in the course of their employment and to regulate providers of insurance for liability under the Act.

[1 September 2020: Except sections 36(1), 44 to 47 and
83(8)(a) and (c) ;
1 January 2021: Sections 36(1) and 44 to 47]

PART 1
PRELIMINARY

Short title

1. This Act is the Work Injury Compensation Act 2019.

General interpretation

2. In this Act, unless the context otherwise requires —

“accepted medical report” means a medical report made by a health professional in the form and manner specified by the Commissioner —

- (a) subject to paragraph (b), certifying a claimant’s permanent incapacity or current incapacity; or
- (b) where there is more than one such medical report assessing a claimant’s incapacity arising from the same injury, the medical report accepted by the Commissioner for the purpose of computing compensation under this Act for that incapacity;

“adopted child”, in relation to a claimant, means any child whose adoption by the claimant is —

- (a) registered under the Adoption of Children Act 1939; or
- (b) recognised by the law or consular authority of the place of nationality of the claimant or the child,

and “adoptive parent” has a corresponding meaning;

- “approved medical institution” means a hospital, clinic, healthcare establishment or other medical institution that is prescribed as an approved medical institution;
- “approved policy” means a policy of insurance, issued or renewed on or after 1 September 2020, that complies with section 26(1);
- “Assistant Commissioner” means any public officer appointed as an Assistant Commissioner (Work Injury Compensation) under section 6(1)(a);
- “average monthly earnings” or “AME” means an amount computed in accordance with paragraph 6 of the First Schedule;
- “claim” means a claim for compensation under this Act and includes a deemed claim under section 35;
- “claimant” means an injured individual claiming compensation under this Act;
- “Commissioner” means the Commissioner for Labour appointed under section 3 of the Employment Act 1968;
- “contract of service” has the meaning given by the Employment Act 1968;
- “designated insurer” means a licensed insurer, within the meaning of the Insurance Act 1966, that is designated by the Commissioner under section 31(1);
- “earnings” means all remuneration payable to an employee in respect of work done under the employee’s contract of service, and includes —
- (a) privileges or benefits capable of being estimated in money and productivity incentive payments;
 - (b) the value of any food or quarters supplied to the employee by the employer, if as a result of the accident the employee is deprived of such food or quarters; and

- (c) overtime payments or other special remuneration for work done, whether by way of bonus, allowance or otherwise, if of constant character or for work habitually performed,

but does not include the following amounts:

- (d) travelling allowances;
- (e) payments for any travelling concessions;
- (f) contributions paid by the employer towards any pension or provident fund for the employee;
- (g) payments to the employee to cover any special expenses incurred by the employee by reason of the nature of the employee's employment;

“employer's insurer” means a designated insurer with whom the employer has an approved policy;

“health professional” means —

- (a) a registered medical practitioner under the Medical Registration Act 1997 and includes any person exempted from registration under that Act; or
- (b) a registered dentist under the Dental Registration Act 1999,

and, in relation to compensation for medical treatment mentioned in section 16(1)(b), includes any medical practitioner or dentist registered to practise under the laws of the jurisdiction where the medical treatment is received;

“injury” or “personal injury” includes an occupational disease or a disease mentioned in section 10(1)(c);

“investigation officer” means any public officer appointed as an investigation officer under section 6(1)(a);

“Medical Board” means the Medical Board appointed under section 57(1);

“medical treatment” includes dental treatment;

“occupational disease” means any condition specified in the first column of the Second Schedule;

“order of compensation” means any of the following orders:

- (a) a notice of computation that, under section 44(5), has the effect of an order of compensation;
- (b) a notice of assessment that, under section 48(3), has the effect of an order of compensation;
- (c) an order made under section 51(2)(a) to give effect to a settlement agreement;
- (d) an order of refusal of compensation made at a pre-hearing conference under section 52(d);
- (e) an order of compensation or refusal of compensation made under section 54(1)(c);

“premises” has the meaning given by the Workplace Safety and Health Act 2006;

“relative”, in relation to a claimant, means any of the following:

- (a) a spouse of the claimant;
- (b) a child (including any adopted child, illegitimate child or stepchild) of the claimant;
- (c) a parent (including any adoptive parent or step-parent) of the claimant;
- (d) the claimant’s sibling (including any stepsibling or half sibling);
- (e) the claimant’s grandparent or grandchild;

“repealed Act” means the Work Injury Compensation Act (Cap. 354, 2009 Revised Edition) repealed by this Act;

“sub-fund” and “VCC” have the meanings given by section 2(1) of the VCC Act;

[S 26/2022 wef 13/01/2022]

“VCC Act” means the Variable Capital Companies Act 2018;

[S 26/2022 wef 13/01/2022]

“work injury”, in relation to an individual, means personal injury that is caused to the individual by an accident arising out of and in the course of the individual’s employment;

“Workers’ Fund” means the Workers’ Fund established, maintained and applied in accordance with regulations made under the repealed Act, and continued by this Act;

“workplace” means any premises where a person is at work, is to work, for the time being works, or customarily works.

Meanings of “employee” and “employer”

3.—(1) In this Act —

“employee” means an individual who has entered into or works under a contract of service with an employer and —

- (a) includes every employee of the Government in a class or description declared by the President to be employees for the purposes of this Act; but
- (b) does not include any class of individuals specified in the Third Schedule;

“employer” means any person (*A*) who employs an individual (*B*) under a contract of service and includes —

- (a) the Government, if *B* belongs to a class or description of employees of the Government declared to be employees for the purposes of this Act under paragraph (*a*) of the definition of “employee”;
- (b) the legal personal representative of *A*, if *A* is deceased;
- (c) a duly authorised agent or manager of *A*;
- (d) the person who owns or is carrying on, or for the time being is responsible for the management of, the profession, business, trade or work in which *B* is engaged; and
- (e) where *B* is employed for the purpose of any game or recreation and engaged or paid through a club, the

manager or members of the managing committee of that club.

(2) Where an employer temporarily lends or lets on hire the services of an employee to another person, the employer is deemed, for the purposes of this Act, to continue to be the employer of the employee while the employee is working for that other person.

(3) Despite a claimant working for an employer under a contract of service that was illegal at the time when the accident causing the injury happened, the Commissioner or the court may, having regard to all the circumstances of the case, deal with the case, or direct the employer's insurer to deal with the case, as if the claimant had at that time been working under a valid contract of service with the employer.

(4) The exercise and performance of the powers and duties of a department of the Government or a statutory authority are, for the purposes of this Act, deemed to be the trade or business of the Government or statutory authority, as the case may be.

Meaning of incapacity

4.—(1) An individual has temporary incapacity where the individual sustains one or more injuries that —

- (a) result in incapacity for a limited period of time; and
- (b) reduce the individual's earning capacity in any employment in which the individual was engaged at the time of the accident resulting in the incapacity.

(2) An individual has permanent incapacity where the individual sustains one or more injuries that —

- (a) result in residual incapacity that has stabilised and is unlikely to change after the date of assessment of the incapacity; or
- (b) are specified in the Fourth Schedule.

(3) An individual has current incapacity where the individual sustains one or more injuries that result in residual incapacity that is

unlikely to change significantly after the date of assessment of the incapacity.

(4) Subsection (3) does not apply to any incapacity or death resulting from any disease mentioned in section 10(1).

(5) Where an individual has sustained one or more injuries resulting in permanent incapacity or current incapacity, the individual has —

(a) partial incapacity to the extent of the aggregate percentage mentioned in sub-paragraph (ii) if —

(i) the incapacity reduces the individual's earning capacity in every employment that the individual was capable of undertaking at the time of the accident resulting in the incapacity; and

(ii) the aggregate percentage of the loss of earning capacity in respect of such injury or combination of injuries is less than 100%; or

(b) total incapacity if —

(i) the incapacity incapacitates the individual for any employment that the individual was capable of undertaking at the time of the accident resulting in the incapacity; and

(ii) the aggregate percentage of the loss of earning capacity in respect of such injury or combination of injuries is 100% or more.

Purpose of Act

5. The purpose of this Act is to ensure that employees receive compensation for work injuries in a fair and expeditious manner, by providing for —

(a) the efficient operation of work injury compensation processes and related insurance arrangements; and

(b) the timely and effective resolution of disputes concerning such compensation.

Assistant Commissioners, investigation officers and authorised persons

- 6.—(1) The Commissioner may appoint such number of —
- (a) public officers as Assistant Commissioners (Work Injury Compensation) and investigation officers; and
 - (b) other individuals as authorised persons,

as may be necessary to assist the Commissioner in the administration of this Act.

(2) The Commissioner may, subject to such conditions or limitations as the Commissioner may specify, delegate the exercise of all or any of the Commissioner's powers or duties under this Act (except the power of delegation under this subsection) to any Assistant Commissioner, investigation officer or authorised person.

(3) Every authorised person appointed under subsection (1)(b) is taken to be a public servant for the purposes of the Penal Code 1871 when exercising any power conferred or performing any duty imposed on the authorised person by or under this Act.

PART 2**COMPENSATION FOR WORK INJURY***Division 1 — Liability to pay compensation***Employer's liability to compensate for work injury**

7.—(1) Where personal injury is caused to an employee by an accident arising out of and in the course of the employee's employment with an employer, that employer is liable to pay compensation under this Act.

- (2) An employer is not liable to pay compensation in respect of —
- (a) any injury to an employee resulting from an accident if it is proven that the injury to the employee is directly attributable to the employee being at the time of the accident under the influence of alcohol or a drug;

- (b) deliberate self-injury or the deliberate aggravation of an accidental injury by an employee; or
 - (c) any injury to an employee suffered in a fight or an assault on one or more persons unless —
 - (i) the employee did not assault any other person in the fight or, if the employee did assault any person, it was done in the exercise of the right of private defence in accordance with sections 97 to 106A of the Penal Code 1871; or
 - (ii) the employee was, at the time when the injury was suffered —
 - (A) breaking up or preventing the fight or assault; or
 - (B) in the course of safeguarding life or any property of any person or maintaining law and order,

under any instruction or with the consent, whether express or implied, of the employee’s employer.
- (3) In this section, “drug” means —
- (a) a controlled drug within the meaning of the Misuse of Drugs Act 1973; or
 - (b) a prescription only medicinal product —
 - (i) specified for the purposes of section 29 of the Medicines Act 1975 that was not supplied in accordance with a prescription by an appropriate practitioner under that Act for the employee’s consumption or use; or
 - (ii) under the law of the jurisdiction where the accident happened that was not supplied in accordance with a prescription in accordance with that law for the employee’s consumption or use.

(4) For the purposes of this Act, an accident arising in the course of an employee's employment is deemed, in the absence of evidence to the contrary, to have arisen out of that employment.

Certain accidents deemed to be in course of employment

8.—(1) An accident is deemed to arise out of and in the course of the employee's employment if —

- (a) the accident happens to the employee while the employee is (with the express or implied permission of the employer) travelling as a passenger by any means of transport to or from the employee's workplace; and
- (b) at the time of the accident, the means of transport mentioned in paragraph (a) —
 - (i) is operated by or on behalf of the employer, or by some other person who operates the means of transport pursuant to arrangements made with the employer; and
 - (ii) is not operated in the ordinary course of a public transport service.

(2) An accident is deemed to arise out of and in the course of an employee's employment if the accident happens to the employee —

- (a) in or about the employee's workplace; and
- (b) while the employee is taking steps, on an actual or supposed emergency at the workplace —
 - (i) to rescue or protect any person who is, or is thought to be or possibly to be, injured or imperilled; or
 - (ii) to avert or minimise damage to or loss of property.

(3) Despite an accident happening to the employee while the employee is acting —

- (a) in contravention of any written law or other regulations applicable to the employment, or of any orders given by or on behalf of the employer; or
- (b) without instructions from the employer,

the accident is deemed to arise out of and in the course of the employee's employment if —

- (c) the accident would have been taken to have arisen out of and in the course of the employee's employment, had the employee not been acting as mentioned in paragraph (a) or (b); and
- (d) that act was done for the purposes of and in connection with the employer's trade or business.

Accidents outside Singapore

9. This Act extends to an accident that happens to an employee outside Singapore, where the employee is —

- (a) ordinarily resident in Singapore; and
- (b) employed by an employer in Singapore but is required in the course of the employee's employment to work outside Singapore.

Employer's liability to compensate for diseases

10.—(1) Subject to subsections (2), (3), (4) and (5) and section 11, where incapacity or death of an employee results from a disease contracted in the circumstances mentioned in paragraph (a), (b) or (c), compensation is payable as if the disease were a work injury and this Act applies accordingly:

- (a) the employee, while employed in any occupation specified in the second column of the Second Schedule, contracts an occupational disease specified for that occupation;
- (b) the employee, after ceasing to be employed in an occupation specified in the second column of the Second Schedule, contracts an occupational disease specified for that occupation within the limitation period for that disease;
- (c) the employee contracts, on or after 1 June 2012, a disease that —

- (i) is not specified in the first column of the Second Schedule; and
- (ii) is directly attributable to an exposure to a chemical or biological agent and the exposure arises out of and in the course of the employee's employment.

(2) When an employee —

- (a) enters into a contract of service with any employer to work in any occupation specified in the second column of the Second Schedule; or
- (b) is, with the employee's consent, transferred by the employer to such an occupation,

the employee must, if requested to do so by the employer, submit to examination by a health professional paid for by the employer.

(3) No compensation is payable by an employer under this section in respect of the incapacity or death of an employee resulting from —

- (a) an occupational disease specified in the first column of the Second Schedule for an occupation if —
 - (i) the employee is, on or after 1 June 2012, employed in that occupation by the employer;
 - (ii) the employee contracts the occupational disease on or after 1 June 2012; and
 - (iii) the employee's incapacity commences or death happens, after the end of the limitation period for that occupational disease; or
- (b) a disease mentioned in subsection (1)(c), if the employee's incapacity commences or death happens more than one year after the employee ceases to be exposed to the chemical or biological agent mentioned in subsection (1)(c).

(4) Subsection (3) does not apply to the death of an employee where the death is preceded, whether immediately or not, by any period of incapacity in respect of which compensation is payable under subsection (1).

(5) In this section, the limitation period for an occupational disease specified for an occupation is the period specified in the third column of the Second Schedule for that disease, starting on the day after the employee who contracts that occupational disease had ceased to be employed in that occupation.

Date of accident and apportionment of liability for compensation for disease

11.—(1) For the purposes of calculating the employee's AME for the computation of compensation payable by an employer under section 10(1)(a), (b) or (c), the date of the accident is taken to be the earliest of the following dates:

- (a) the last day of the employee's employment with the employer mentioned in section 10(1)(a), (b) or (c), as the case may be;
- (b) the date of commencement of the incapacity of the employee;
- (c) the date of the employee's death.

(2) For all other purposes of this Act in relation to compensation payable under section 10(1)(a), (b) or (c), the date of the accident is taken to be —

- (a) the earlier of —
 - (i) the date of commencement of the incapacity of the employee; or
 - (ii) the date on which a health professional certifies that, in the health professional's opinion, the employee is suffering from the disease mentioned in section 10(1); or
- (b) if there has been no previous period of incapacity — the date of the employee's death.

(3) If an employee contracts a disease mentioned in section 10(1) by a gradual process, so that 2 or more employers are severally liable to pay compensation under that section in respect of the employee's incapacity or death —

- (a) the aggregate amount of the compensation payable by those employers must not exceed the amount that would have been payable if those employers were a single employer; and
- (b) if all of the employers do not come to an agreement on the apportionment of liability — each employer is liable for such proportion of the compensation payable as the Commissioner may direct.

Compensation for disease limited to work injuries

12. Except as provided in sections 7, 8, 9, 10 and 11, no compensation is payable to an employee in respect of any disease unless the disease is directly attributable to a specific work injury.

Liability of principal

13.—(1) Where any person (called in this section the principal) contracts, in the course of or for the purpose of the principal's trade or business, with any other person (called in this section the contractor) —

- (a) for the execution by the contractor of the whole or any part of any work; or
- (b) for the supply of labour to carry out any work, undertaken by the principal,

the Commissioner may direct the principal to fulfil the obligations of the employer under this Act in relation to any employee of the contractor employed in the execution of the work, subject to any modification that may be prescribed for the application of any provision of this Act to the principal.

(2) Where the Commissioner makes a direction against the principal under subsection (1), the principal is liable to pay the employee any compensation payable under this Act as if that employee had been immediately employed by the principal, except that the amount of compensation is to be calculated with reference to the earnings of the employee under the contractor.

(3) Where the principal pays compensation under this section, the principal is entitled to be indemnified by the employer who would have been liable to pay compensation under this Act to the employee independently of this section.

(4) The Commissioner's direction under this section against a principal does not bar subsequent proceedings under this Act against the employee's employer to recover so much of the compensation as may remain unpaid.

(5) This section applies only if the accident occurs at a place —

- (a) where the principal has undertaken to execute work; or
- (b) that is under the principal's control or management.

*Division 2 — Computation, payment and
protection of compensation*

Computation of compensation

14. The compensation under this Act in respect of any work injury is to be computed in accordance with the First Schedule.

Assessment of permanent incapacity or current incapacity

15.—(1) For the purposes of determining the permanent incapacity or current incapacity of an employee resulting from the employee's work injury, an accepted medical report is evidence of the employee's —

- (a) permanent total incapacity or permanent partial incapacity, assessed by the health professional who made the report at any time after the date of the accident that caused the work injury; or
- (b) current total incapacity or current partial incapacity, at the time of the assessment by the health professional who made the report, assessed at the earliest opportunity but not earlier than 6 months after the date of the accident that caused the work injury.

(2) Subsection (1)(b) does not apply to any incapacity resulting from the diseases mentioned in section 10(1).

Compensation for medical treatment

16.—(1) An employer is liable to pay compensation in accordance with paragraph 5 of the First Schedule for the following medical treatment received by an employee for a work injury:

- (a) medical treatment —
 - (i) by a health professional or at an approved medical institution; and
 - (ii) that is certified by any attending health professional to be necessary;
- (b) where the employee is an employee mentioned in section 9, medical treatment by a health professional —
 - (i) received outside Singapore for a work injury sustained in an accident that occurs outside Singapore; and
 - (ii) that, in the opinion of the Commissioner, is required immediately due to the nature of the work injury suffered.

(2) The compensation payable under subsection (1)(a) for medical treatment received at an approved medical institution by the employee must be paid directly to the proprietor of the approved medical institution, after deducting any amount previously paid by or on behalf of the employee to the proprietor of the approved medical institution for the medical treatment.

(3) The proprietor of an approved medical institution is entitled to recover the compensation (less the deductions) mentioned in subsection (2) directly from the employer.

(4) Where the cost of any medical treatment that the employer is liable to pay under subsection (1) is paid by the employee or by any other person on behalf of the employee, the employee or that other person is entitled to recover the cost from the employer.

(5) Where any person has paid any compensation under this section in respect of a claimant's work injury as the claimant's employer or employer's insurer (called in this section the payer) or any ex gratia payment has been made under section 70 in respect of such

compensation, the Commissioner may order the claimant to reimburse the payer or the Commissioner (as the case may be) for such payment if —

- (a) the claim in respect of that work injury is withdrawn, and is not resumed, under section 41;
 - (b) an order of refusal of compensation has been made or has taken effect, in respect of that work injury; or
 - (c) the payment was made on the basis of any error or any false or misleading information.
- (6) Subsection (5) applies to the payer only if —
- (a) the payer applies to the Commissioner for the reimbursement within the prescribed time and in the form and manner required by the Commissioner; and
 - (b) the claimant has been given a reasonable opportunity to make representations to the Commissioner.
- (7) Where the payer is the claimant's employer, the Commissioner must not, under subsection (5), order the reimbursement of any payment that the employer is obliged to pay under the Employment of Foreign Manpower Act 1990.
- (8) Any reimbursement ordered under subsection (5) is recoverable directly from the claimant.

Compensation for temporary incapacity

17.—(1) Where any work injury results in the temporary incapacity of an employee, the compensation the employer is liable under this Act to pay to the employee is a periodical payment that is —

- (a) an amount specified in the First Schedule; and
- (b) payable not later than the same day as earnings would have been payable to the employee under the contract of service under which the employee was employed at the time of the accident, except that the interval between periodical payments must not exceed one month.

(2) The Commissioner may review any periodical payment for temporary incapacity, on the application of the employee, the employer or the employer's insurer, if accompanied by a certificate of a health professional that there has been a change in the condition of the employee.

(3) Subject to the provisions of this Act, the Commissioner may, on a review under subsection (2), direct any periodical payment to the employee for temporary incapacity to be continued, increased, decreased or ended.

(4) Any periodical payments for temporary incapacity may be commuted into a lump sum, of an amount agreed between the employer liable to make the periodical payments and the employee, after —

- (a) the periodical payments have continued for not less than 6 months; and
- (b) the Commissioner consents.

(5) Where any person has paid any compensation under this section in respect of a claimant's work injury as the claimant's employer or employer's insurer (called in this section the payer) or any ex gratia payment has been made under section 70 in respect of such compensation, the Commissioner may order the claimant to refund such payment if —

- (a) the claim in respect of that work injury is withdrawn, and is not resumed, under section 41;
- (b) an order of refusal of compensation has been made or has taken effect, in respect of that work injury; or
- (c) the payment was made on the basis of any error or any false or misleading information.

(6) Subsection (5) applies to the payer only if —

- (a) the payer applies to the Commissioner for the refund within the prescribed time and in the form and manner required by the Commissioner; and
- (b) the claimant has been given a reasonable opportunity to make representations to the Commissioner.

(7) Any refund ordered under subsection (5) is recoverable directly from the claimant.

Payment or deposit by employer's insurer

18.—(1) The Commissioner may direct an employer's insurer to pay, on behalf of the employer, any amount in respect of the compensation under section 16 or 17 or any amount under an order of compensation, not exceeding the amount of the employer's liability for that compensation that is insured by the employer's insurer.

(2) Subject to subsection (3), where an employer's insurer is required under subsection (1) or section 28 or 47 to pay any amount in respect of the employer's liability for an employee's claim, the employer's insurer must pay the amount in the following manner within the prescribed time:

- (a) unless paragraph (b), (c), (d) or (e) applies, to the employee;
- (b) unless paragraph (c), (d) or (e) applies, to the public trustee if —
 - (i) the compensation is in respect of permanent incapacity or current incapacity resulting from the employee's work injury; and
 - (ii) the employee is below 18 years of age;
- (c) where the employee has died — to the executor or administrator of the employee's estate, if the employer's insurer has been informed that an executor or administrator has been appointed;
- (d) where the employee lacks capacity in relation to the employee's property and affairs —
 - (i) to a donee of a lasting power of attorney (if any) granted under the Mental Capacity Act 2008 on whom the employee has conferred authority to receive such payment; or
 - (ii) to a deputy (if any) who is appointed or deemed to be appointed for the employee under the Mental

Capacity Act 2008 and is conferred power to receive such payment;

- (e) where the Commissioner so directs under section 20 — to any relative of the employee in accordance with the direction.

(3) Where the Commissioner directs the employer's insurer to deposit any amount mentioned in subsection (2) with the Commissioner under section 21, the employer's insurer must comply with the direction in such manner and within such time as the Commissioner may specify.

Payment or deposit by employer

19.—(1) An employer who is liable to pay compensation under section 16 or 17 or any amount under an order of compensation in respect of an employee's work injury must, unless the compensation is paid or deposited by the employer's insurer under section 18 or deposited with the Commissioner under subsection (2), pay the compensation within the prescribed time —

- (a) to the employee; or
- (b) where the Commissioner so directs under section 20 — to any relative of the employee in accordance with the direction.

(2) Unless the Commissioner directs otherwise under section 20, an employer must deposit the following payments with the Commissioner, in such manner and within such time as the Commissioner may specify:

- (a) any compensation payable under this Act by the employer in respect of an employee's work injury if —
 - (i) the employee has died; or
 - (ii) the employee lacks capacity in relation to the employee's property and affairs;
- (b) any compensation payable under this Act by the employer in respect of any permanent incapacity or current

incapacity resulting from an employee's work injury, if the employee is below 18 years of age;

- (c) any compensation payable under this Act that the Commissioner directs the employer to deposit under section 21.

Direction to pay relative

20.—(1) Where the Commissioner is satisfied that compensation cannot be paid by an employer's insurer in accordance with section 18(2)(a), (b), (c) or (d) or by the employer to the employee under section 19(1)(a), the Commissioner may direct the employer's insurer or the employer (as the case may be) to make the payment —

- (a) to one or more of the employee's relatives; and
- (b) in the proportion the Commissioner specifies.

(2) The Commissioner may vary any direction made under this section if the Commissioner is satisfied, after such inquiry as the Commissioner considers necessary, that the direction ought to be varied by reason of any change in the circumstances of any relative of the employee, or for any other sufficient cause.

(3) The Commissioner must not make any direction or any variation under this section that prejudices any person, unless that person has been given a reasonable opportunity to make representations to the Commissioner.

Deposit with Commissioner

21.—(1) The Commissioner may direct an employer or the employer's insurer to deposit with the Commissioner any compensation in respect of an employee's work injury that is payable under this Act, in such manner and within such time as the Commissioner may specify.

(2) The Commissioner may make payment from any amount deposited with the Commissioner that is payable to an employee in all or any of the following ways:

- (a) to the employee directly or, if the employee is below 18 years of age, to the public trustee;

- (b) where the employee has died, in one or both of the following ways:
- (i) pay the funeral expenses of the employee, not exceeding the amount prescribed in regulations made under section 82, to the person by whom those expenses are incurred;
 - (ii) pay the remainder of the compensation or interest (in whole or in part) to the executor or administrator of the employee's estate, if the Commissioner has been informed that an executor or administrator has been appointed;
- (c) where the employee lacks capacity in relation to the employee's property and affairs —
- (i) to a donee of a lasting power of attorney (if any) granted by the employee under the Mental Capacity Act 2008 on whom the employee has conferred authority to receive such payment; or
 - (ii) to a deputy (if any) who is appointed or deemed to be appointed for the employee under the Mental Capacity Act 2008 and is conferred power to receive such payment;
- (d) to one or more of the employee's relatives (if found) and in such proportion, as the Commissioner thinks fit, where the Commissioner is satisfied that any of the following circumstances exist:
- (i) payment cannot be made by the employer's insurer in accordance with section 18(2)(a), (b), (c) or (d) or by the employer under section 19(1)(a);
 - (ii) the employee has died and the Commissioner has not been informed that an executor or administrator of the employee's estate has been appointed;
 - (iii) the employee lacks capacity in relation to the employee's property and affairs and no donee or

deputy can be appointed to receive such payment for the employee;

(e) pay into the Workers' Fund —

- (i) an amount not exceeding the amount of any ex gratia payment made under section 70 in respect of the employee entitled to the compensation or interest so deposited; and
- (ii) any remaining amount that cannot be paid under paragraph (a), (b), (c) or (d), if the Commissioner is satisfied, after such inquiry as the Commissioner considers necessary, that there is no reasonable likelihood that any relative of the employee can be found.

(3) Where any payment is made to any relative of the employee under subsection (2)(d), or under a direction made under section 20, the Commissioner may direct that relative to invest, apply or otherwise deal with the amount paid for the benefit of that employee in such manner and for such period as the Commissioner may specify.

(4) This section does not limit section 69.

Discharge for payment

22.—(1) The receipt by any person who is paid in accordance with section 18(2), 19(1) or 21(2)(a), (b), (c) or (d) of the amount paid is a sufficient discharge for the compensation and interest paid.

(2) The receipt by the Commissioner for any amount deposited under section 18(3), 19(2) or 59 is a sufficient discharge for the compensation and interest up to the amount so deposited.

(3) Any payment of compensation or interest made in contravention of section 18(2), 19(1) or 21(2)(a), (b), (c) or (d) is deemed not to be a discharge for the compensation or interest paid.

(4) This section does not affect the right of any person to make a claim against any other person who has been paid under section 18(2), 19(1) or 21(2) for the amount paid.

- (5) This section applies despite —
- (a) any written law relating to the administration or distribution of estates of deceased persons;
 - (b) the Mental Capacity Act 2008; and
 - (c) the Insurance Act 1966.

No contracting out, etc.

23.—(1) Subject to sections 51 and 52(c), any contract or agreement by which an employee relinquishes any right of compensation from the employer for work injury is void insofar as it purports to remove or reduce the liability of any person to pay compensation under this Act.

(2) Subject to the provisions of this Act, the payment of compensation under this Act or an accrued right to such payment is not —

- (a) assignable or transferable, or liable to be attached, sequestered or levied upon; or
- (b) subject to any set-off,

for or in respect of any debt or claim.

PART 3

WORK INJURY COMPENSATION INSURANCE

Division 1 — Insurance obligations

Employer must be insured against liabilities under Act

24.—(1) Every employer must insure and maintain insurance under one or more approved policies with one or more designated insurers against all liabilities that the employer may incur under this Act in respect of every employee of the employer.

- (2) Subsection (1) —
- (a) does not apply in respect of the excluded classes of employees prescribed for the purposes of this paragraph; and

- (b) applies subject to any minimum prescribed amount for which an employer must be insured in respect of any of the employer's liabilities under this Act.

Offences by employer in relation to insurance

25.—(1) An employer who contravenes section 24(1) shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both; or
- (b) if the person is a repeat offender, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

(2) A person is a repeat offender in relation to an offence under subsection (1) if the person who is convicted of an offence under that subsection has been convicted on at least one other earlier occasion of —

- (a) an offence under subsection (1); or
- (b) an offence under section 35(1)(b) of the repealed Act, whether the conviction was before, on or after 1 September 2020.

(3) It is not a defence to a charge for an offence under subsection (1) that the employer did not know —

- (a) the number of employees employed by the employer, or the extent of the employer's liability, that the employer must be insured against; or
- (b) that any insurance policy entered into or maintained was not an approved policy or that the insurer was not a designated insurer,

unless the employer had taken all reasonable steps to ascertain those matters.

(4) An employer who, for the purpose of defraying or partly defraying the cost of insurance required under section 24, makes any deduction from the earnings of an employee of the employer, shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both; or
- (b) if the person is a repeat offender, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

(5) A person is a repeat offender in relation to an offence under subsection (4) if the person who is convicted of an offence under that subsection has been convicted on at least one other earlier occasion of —

- (a) an offence under subsection (4); or
- (b) an offence under section 35(1)(a) of the repealed Act, whether the conviction was before, on or after 1 September 2020.

Approved policy

26.—(1) An approved policy —

- (a) must contain all the compulsory terms prescribed for the class of liabilities insured against (called in this section the compulsory terms); and
- (b) must not contain any term or condition or endorsement that derogates or purports to derogate from any obligation imposed on the insurer by the compulsory terms of the approved policy.

(2) The Minister may prescribe different sets of compulsory terms for different classes of approved policies, employers or employees, and the compulsory terms may also require approved policies to cover any other liability of the employer to pay compensation under common law or any other written law for an employee's work injury.

(3) Any insurer that issues to an employer any insurance policy that purports to insure the whole or part of the employer's liability for compensation under this Act —

- (a) is liable to pay that compensation as if the insurance policy contains all the compulsory terms applicable to the class of approved policy purported to be provided; and

- (b) to the extent that any term or condition of, or endorsement to, the insurance policy derogates from any obligation imposed on the insurer by the compulsory terms, that term or condition or endorsement is void.

(4) Subsection (3) does not impose any obligation or liability on the insurer to pay any amount in excess of the minimum amount (if any) prescribed for the purposes of section 24(2)(b) that applies to the employer.

(5) Where an insurer is liable to pay compensation pursuant to subsection (3), the references to the employer's insurer in sections 3(3), 16, 17, 18, 19, 21, 27, 35, 40, 43, 48, 49, 50(1)(b), 51, 52, 54, 58, 63 and 82 apply as if they include references to that insurer.

Insurer not to object on ground of double insurance

27.—(1) In any proceedings under Part 4, an employer's insurer is not entitled to raise any objection or defence to a claim on the ground that there is in force another insurance policy issued by another insurer covering the same liability under this Act in respect of the claim as the insurance policy issued by the employer's insurer.

(2) Nothing in subsection (1) affects any other law —

- (a) on double insurance and contribution; or
- (b) that prohibits an insurer from disproving liability, in whole or in part, in respect of any accident.

Insurer's obligation if employer bankrupt, etc.

28.—(1) Despite any written law relating to bankruptcy or the winding up of companies, where an employer has entered into a contract with any insurer in respect of any liability under this Act to any employee, the rights of the employer under the contract against the insurer in respect of that liability are transferred to and vest in the employee in any of the following events:

- (a) the employer becomes bankrupt or makes a composition or scheme of arrangement with the employer's creditors;

- (b) where the employer is a company —
- (i) proceedings are commenced to wind up the company;
 - (ii) a receiver or manager of the company's business or undertaking is duly appointed; or
 - (iii) possession of any property comprised in or subject to a floating charge securing debentures issued by the company is taken by, or on behalf of, the holders of the debentures.
- (2) On a transfer to an employee under subsection (1), the insurer has —
- (a) the same rights and remedies in relation to the employee as if the insurer were the employer; and
 - (b) the same liabilities in relation to the employee as if the insurer were the employer, but this does not impose on the insurer any greater liability to the employee than the insurer's liability to the employer under the contract.
- (3) If the insurer's liability to the employee under subsection (2)(b) is less than the liability of the employer to the employee, the employee may, as the case may be —
- (a) prove for the balance in the employer's bankruptcy or liquidation; or
 - (b) recover the balance from the receiver or manager of the employer's business or undertaking.
- (4) Where the employer's liability is to pay periodical payments for temporary incapacity —
- (a) the amount payable in respect of the compensation, for the purposes of this section, is the lump sum into which the employer's liability to pay the periodical payments for temporary incapacity could, if commutable, be commuted under section 17(4); and
 - (b) a certificate of the Commissioner as to the amount of the lump sum is conclusive proof of that amount.

(5) This section and section 29 do not apply where a company is wound up voluntarily only for the purpose of reconstruction or of amalgamation with another company.

Application of section 28 where insurance contract void or voidable

29.—(1) Subsections (2), (3), (4) and (5) apply where the contract mentioned in section 28(1) is void or voidable by reason of the employer's non-compliance with any terms or conditions of the contract, other than a requirement to pay premiums.

(2) Section 28(1) applies as if the contract mentioned in that provision were not void or voidable only if the employee gives notice to the insurer of the matters mentioned in paragraph (a) as soon as practicable after the employee becomes aware of all of the following:

- (a) the employee's work injury or incapacity arising from an accident;
- (b) that the employer is insured by that insurer;
- (c) that any of the events mentioned in section 28(1)(a) or (b) has occurred.

(3) Where, despite the contract mentioned in section 28(1) being void or voidable, the insurer pays any amount to the employee in respect of the employer's liability to pay compensation under this Act, the insurer is entitled to —

- (a) prove for the relevant amount in the employer's bankruptcy or liquidation; or
- (b) recover the relevant amount from the receiver or manager of the employer's business or undertaking.

(4) The relevant amount mentioned in subsection (3) is the amount paid, excluding (where the contract is void or voidable only in part) the amount that the insurer is still liable to pay under any part of the contract that is not void or voidable.

(5) The relevant amount mentioned in subsection (3) is to be paid to the insurer in priority as if it were an amount due in respect of work injury compensation under this Act in accordance with the provision

mentioned in paragraph (a), (b) or (c), if the employer's liability to pay the compensation accrued before the date specified in that paragraph:

- (a) section 352 of the Insolvency, Restructuring and Dissolution Act 2018 — the date of the bankruptcy order;
- (b) section 203 of the Insolvency, Restructuring and Dissolution Act 2018 —

- (i) the date of the commencement of the winding up of the company; or
- (ii) where the company is ordered to be wound up compulsorily and had not previously commenced to be wound up voluntarily — the date of the winding up order;

- (ba) the repealed section 328 of the Companies Act 1967 (as applied by section 130 of the VCC Act as in force before the operative date) —

- (i) the date of the commencement of the winding up of the VCC; or
- (ii) where the VCC is ordered to be wound up compulsorily and had not previously commenced to be wound up voluntarily — the date of the winding up order;

[S 26/2022 wef 13/01/2022]

- (bb) section 203 of the Insolvency, Restructuring and Dissolution Act 2018 (as applied by section 130 of the VCC Act as in force on the operative date) —

- (i) the date of the commencement of the winding up of the VCC; or
- (ii) where the VCC is ordered to be wound up compulsorily and had not previously commenced to be wound up voluntarily — the date of the winding up order;

[S 26/2022 wef 13/01/2022]

- (bc) the repealed section 328 of the Companies Act 1967 (as applied by section 33(2) of the VCC Act read with the First Schedule to the VCC Act as in force before the operative date) —
- (i) the date of the commencement of the winding up of the sub-fund; or
 - (ii) where the sub-fund is ordered to be wound up compulsorily and had not previously commenced to be wound up voluntarily — the date of the winding up order;
- [S 26/2022 wef 13/01/2022]*
- (bd) section 203 of the Insolvency, Restructuring and Dissolution Act 2018 (as applied by section 33(2) of the VCC Act read with the First Schedule to the VCC Act as in force on the operative date) —
- (i) the date of the commencement of the winding up of the sub-fund; or
 - (ii) where the sub-fund is ordered to be wound up compulsorily and had not previously commenced to be wound up voluntarily — the date of the winding up order;
- [S 26/2022 wef 13/01/2022]*
- (c) section 86 of the Insolvency, Restructuring and Dissolution Act 2018 — the date of the appointment of the receiver or manager or the date of possession being taken as mentioned in that section, as the case may be;
- [S 26/2022 wef 13/01/2022]*
- (d) section 127 of the VCC Act as in force before the operative date — the date of the appointment of the receiver or the date of possession being taken as mentioned in that section, as the case may be;
- [S 26/2022 wef 13/01/2022]*
- (e) section 127 of the VCC Act as in force on the operative date — the date of the appointment of the receiver or

manager or the date of possession being taken as mentioned in that section, as the case may be.

[S 26/2022 wef 13/01/2022]

(6) In this section, “operative date” means the date of commencement of sections 29, 45, 48 and 62 of the Variable Capital Companies (Miscellaneous Amendments) Act 2019.

[S 26/2022 wef 13/01/2022]

Offences relating to provision of insurance

30.—(1) A person other than a person mentioned in subsection (2) who offers, or enters into a contract, to provide insurance in respect of the liability of any employer to pay compensation under this Act shall be guilty of an offence and shall be liable —

(a) on the first conviction — to a fine not exceeding \$80,000 for each insurance policy to which the conviction under this subsection applies; and

(b) on a second or subsequent conviction — to a fine not exceeding \$160,000 for each insurance policy to which the conviction under this subsection applies.

(2) Only the following persons may offer or enter into a contract (as the case may be) to provide the insurance mentioned in subsection (1):

(a) a designated insurer that is not suspended under section 31(8)(b) or 34(1)(a);

(b) an insurance intermediary in respect of the insurance which is provided or to be provided by a designated insurer mentioned in paragraph (a).

(3) A person (whether or not a designated insurer) who offers, or enters into a contract, to provide any insurance in respect of the liability of any employer to pay compensation under this Act, which is not an approved policy, shall be guilty of an offence and shall be liable —

(a) on the first conviction — to a fine not exceeding \$80,000 for each insurance policy offered or provided in contravention of this subsection; and

- (b) on a second or subsequent conviction — to a fine not exceeding \$160,000 for each insurance policy offered or provided in contravention of this subsection.
- (4) It is not a defence to a charge for an offence under subsection (1) or (3) that the person did not know that the contract of insurance offered or entered into —
- (a) was in respect of the liability of any employer to pay compensation under this Act; or
 - (b) was not an approved policy.
- (5) To avoid doubt, this section does not prohibit the making of an offer or contract to provide —
- (a) healthcare insurance, accident insurance or other insurance which does not insure or purport to insure the employer's liabilities under this Act; or
 - (b) any insurance that insures only liability in excess of the employer's liability to pay compensation under this Act.
- (6) In this section, unless the context otherwise requires, a reference to offering to provide insurance in respect of any liability under this Act includes a reference to —
- (a) holding out as providing such insurance, whether to specific persons or to the public or any section of the public; and
 - (b) making an offer to, or inviting an offer from, specific persons or the public or any section of the public to provide such insurance.

Division 2 — Designated insurer

Designation by Commissioner

31.—(1) The Commissioner may designate any licensed insurer, within the meaning of the Insurance Act 1966, that satisfies the prescribed requirements to be a designated insurer.

(2) The Commissioner may, from time to time, impose conditions on any designated insurer, including a condition requiring the

designated insurer to comply with specified standards of performance relating to the processing of claims under this Act.

(3) The Commissioner may, from time to time, modify or add to the conditions imposed on a designated insurer.

(4) The Commissioner must, before modifying or adding to any conditions imposed on a designated insurer, give notice to the designated insurer concerned —

- (a) stating the modification or addition that the Commissioner intends to make; and
- (b) specifying the time within which the designated insurer may make written representations to the Commissioner with respect to the proposed modification or addition.

(5) Where a designated insurer makes any representations under subsection (4)(b), the Commissioner must consider the representations and notify the designated insurer of the Commissioner's decision.

(6) Unless earlier cancelled under subsection (8)(a) or section 34, a person's designation as a designated insurer expires at the end of the period (if any) specified by the Commissioner in the designation.

(7) A designated insurer may apply, in the form and manner required by the Commissioner, for cancellation of the designation.

(8) Where a designated insurer applies under subsection (7), the Commissioner may do one or more of the following:

- (a) cancel the designation with effect from a date specified by the Commissioner;
- (b) suspend the designation of the designated insurer for a period before the cancellation takes effect as specified by the Commissioner;
- (c) give a direction to the designated insurer not to enter into, renew or extend any approved policy;
- (d) require the designated insurer to take such action as the Commissioner requires to ensure that reasonable provision

has been or will be made for any liability in respect of any approved policy before cancelling the designation.

(9) When deciding any matter under subsection (8), the Commissioner must consider whether proper arrangements have been made to ensure that the designated insurer's obligation to comply with every condition, direction and requirement mentioned in section 32(1) in respect of the following are met:

- (a) every approved policy and every insurance policy issued by that insurer that purports to insure an employer's liability to pay compensation under this Act;
- (b) any payment insured, or purportedly insured, under such an insurance policy.

(10) The following persons may, within the prescribed time, appeal to the Minister whose decision is final:

- (a) any licensed insurer that the Commissioner has refused to designate as a designated insurer;
- (b) any designated insurer that is aggrieved by any modification or addition of conditions imposed by the Commissioner;
- (c) any designated insurer that is aggrieved by the Commissioner's decision on any matter under subsection (8).

(11) A decision of the Commissioner under subsection (5) or (8) takes effect despite any pending appeal to the Minister against the decision.

Obligations of designated insurer

32.—(1) A designated insurer must comply with every —

- (a) condition imposed on the designated insurer under section 31;
- (b) direction of the Commissioner given to the designated insurer under this Act; and

(c) requirement under this Act that applies to the designated insurer.

(2) Despite the suspension of a person's designation as a designated insurer, the designated insurer must continue to comply with every condition, direction and requirement mentioned in subsection (1) in respect of the following unless the Commissioner directs otherwise:

- (a) every approved policy and every insurance policy that purports to insure an employer's liability to pay compensation under this Act, issued by that insurer before that suspension;
- (b) any payment insured, or purportedly insured, under such an insurance policy.

(3) The expiry, suspension or cancellation of the designation of a designated insurer does not prejudice the enforcement of any right or claim in relation to the matters mentioned in subsection (2)(a) and (b) —

- (a) by any person against the insurer; and
- (b) by the insurer against any person.

Collection and disclosure of information by Commissioner

33.—(1) For the purposes of this Act, the Commissioner may —

- (a) direct any designated insurer to submit to the Commissioner any information or returns to facilitate the administration of this Part and Part 4, which may include the following:
 - (i) details of each approved policy (including the premium payable and any endorsements) provided by the designated insurer to an employer;
 - (ii) the details and status of the processing of claims for compensation under this Act, and the settlement of claims under common law for damages relating to work injuries, for each employee of an employer insured under any approved policy provided by the designated insurer;

- (iii) the details and status mentioned in sub-paragraphs (i) and (ii) relating to —
 - (A) any approved policy mentioned in section 23 of the repealed Act provided by the designated insurer before 1 September 2020; or
 - (B) any insurance policy mentioned in section 26(3) provided by the designated insurer whether before, on or after the date the designated insurer is designated as a designated insurer;
- (b) require such information or returns to be submitted through an electronic system or in any other form and manner, and within the time, specified by the Commissioner; and
- (c) disclose or publish to any designated insurer —
 - (i) any information or returns obtained under paragraph (a) as the Commissioner thinks necessary for the purposes of this Act; and
 - (ii) the following information derived from any information under the control of the Ministry of Manpower:
 - (A) workforce data, including size and aggregated payroll for all, or any class of, employees of each employer insured under an approved policy;
 - (B) work injury claims data for all, or any class of, employees of each employer insured under an approved policy.

(2) Section 2(3) of the Public Sector (Governance) Act 2018 applies in determining the information under the control of the Ministry of Manpower mentioned in subsection (1)(c)(ii).

(3) No liability shall lie against the Government, the Commissioner or any public officer or individual appointed under section 6(1) for any loss or damage suffered by any person by reason of any error or

omission in any information or returns disclosed or published, in good faith and with reasonable care, under subsection (1)(c).

Cancellation or suspension of designation and financial penalty

34.—(1) Where a designated insurer fails to comply with section 32(1), the Commissioner may do all or any of the following:

- (a) cancel or suspend the designation of the designated insurer for a period specified by the Commissioner;
- (b) order the designated insurer to pay a financial penalty of an amount not exceeding \$30,000 for each such failure that is not an offence under this Act;
- (c) give a direction to the designated insurer not to enter into, renew or extend any approved policy for a specified period.

(2) The Commissioner must, before taking any action under subsection (1), give notice to the designated insurer concerned —

- (a) stating the action that the Commissioner intends to take; and
- (b) specifying the time within which the designated insurer may make written representations to the Commissioner with respect to the proposed action.

(3) Where a designated insurer makes any representations under subsection (2)(b), the Commissioner must consider the representations and notify the designated insurer of the Commissioner's decision.

(4) The order under subsection (1)(b) must specify the date by which the financial penalty is to be paid.

(5) A person who fails to pay any financial penalty imposed under this section by the date specified under subsection (4) is liable to pay interest on the amount unpaid at the same rate as for a judgment debt.

(6) Any financial penalty or interest payable under this section is recoverable by the Commissioner, or any person duly authorised by the Commissioner, as a debt due to the Government.

(7) The Commissioner may waive or remit the whole or any part of any financial penalty imposed, or interest due, under this section.

(8) Any financial penalty or interest collected under this section must be paid into the Consolidated Fund.

(9) In any proceedings for the recovery of any financial penalty or interest due on any financial penalty, a certificate of the Commissioner certifying the amount mentioned in paragraph (a) or (b) is prima facie evidence of, as the case may be —

(a) the amount of the financial penalty; or

(b) the amount of interest due on the financial penalty.

(10) A designated insurer that is aggrieved by a decision of the Commissioner under subsection (1) may, within the prescribed time, appeal to the Minister whose decision is final.

PART 4

COMPENSATION PROCESS

Division 1 — Overview

Deemed claim when employer has notice of accident

35.—(1) A claim for compensation under this Act is deemed to be made by an employee when the employer first has notice of an accident giving rise to the employee's work injury.

(2) An employer has notice of an accident for the purposes of this Act when either of the following events occurs:

(a) the employee informs any of the following persons of the date and place of the accident and the cause of the injury:

(i) the employer;

(ii) the foreman or any other person under whose supervision the employee was employed at the time of the accident;

(iii) any person designated for the purpose by the employer;

(b) the employer has knowledge of the accident by any other means.

(3) Every employer must, within the prescribed time after the employer first has notice of an accident giving rise to work injury to any employee of the employer, give notice of the accident to —

(a) the Commissioner in the form and manner specified by the Commissioner; and

(b) the employer's insurer in writing.

(4) An employee must, as soon as possible after sustaining a work injury in an accident, notify the employer or any of the other persons mentioned in subsection (2)(a).

(5) The employee's claim under this Act is deemed to be withdrawn if the employer does not have notice of the employee's accident at the end of whichever period specified in paragraph (a), (b) or (c) that ends last:

(a) one year after the date of the employee's accident;

(b) if the employee dies within the period mentioned in paragraph (a), one year after the date of the employee's death;

(c) any period ending on a later date specified under subsection (6).

(6) Subject to subsection (7), the Commissioner may specify a period for the purposes of subsection (5)(c) only if the Commissioner is satisfied that the delay was caused by mistake, absence from Singapore or other reasonable cause.

(7) The Commissioner must not specify a period for the purposes of subsection (5)(c) if the Commissioner is satisfied that the delay was caused by an action for damages being instituted by or on behalf of the employee in any court for compensation in respect of that accident.

(8) An employer who fails to give notice of an accident to the Commissioner in accordance with subsection (3)(a) shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$5,000; or
- (b) if the person is a repeat offender, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

(9) A person is a repeat offender in relation to an offence under subsection (8) if the person who is convicted of an offence under that subsection has been convicted on at least one other earlier occasion of —

- (a) an offence under subsection (8); or
- (b) an offence under regulation 3(5) of the Work Injury Compensation Regulations (Cap. 354, Rg 1) as in force before 1 September 2020, whether the conviction was before, on or after 1 September 2020.

Processing of claim by employer's insurer or Commissioner

36.—(1) Except where a claim for compensation under this Act is processed by the Commissioner, the employer's insurer must process the claim in accordance with Division 2 of this Part.

(2) The Commissioner must process a claim for compensation under this Act in respect of an employee's work injury in accordance with Division 3 of this Part if the Commissioner —

- (a) is satisfied that there is no employer's insurer insuring the employer's liability in respect of the employee's work injury under this Act; or
- (b) decides to process the claim in any particular case, including under section 45(b) or 50(2)(b).

Duties in relation to medical examinations

37.—(1) Where an employee is injured by an accident arising out of and in the course of the employee's employment with an employer, the employer must offer the employee a medical examination by a health professional before the expiry of the 5th day after the employer first has notice of the accident.

(2) An employee must, if required by the employer or the Commissioner to undergo one or more medical examinations for the purpose of processing the employee's claim under this Act, submit to the medical examinations.

(3) The medical examinations mentioned in subsection (1) or (2) must be provided to the employee —

- (a) free of charge, at the employer's expense; and
- (b) in accordance with regulations made under section 82 (if any).

(4) The employee's right to compensation under this Act is suspended if —

- (a) the employee fails to submit to a medical examination reasonably required by the employer or the Commissioner under subsection (2) — until the employee submits to the medical examination; or
- (b) the employee cannot be contacted to attend a medical examination because the employee has not informed the employer about his or her contact details or change in contact details — until the employee so informs the employer and submits to the medical examination.

(5) Where a right to compensation is suspended under subsection (4), no compensation is payable in respect of the period of suspension.

(6) The Commissioner may lift the suspension under subsection (4) and direct the payment of any compensation that was withheld during that period if —

- (a) the employee undergoes or has undergone any other medical examination approved by the Commissioner;
- (b) the employee dies without submitting to the medical examination required of him or her; or
- (c) the Commissioner is satisfied that there was reasonable cause for the employee's failure to submit to the medical examination.

(7) If the employee's failure to submit to a medical examination required by the Commissioner under subsection (2) continues beyond 3 months after the date fixed for the medical examination, no compensation is payable in respect of the employee's work injury unless —

- (a) the work injury results in the death of the employee; or
- (b) the Commissioner is satisfied that there was reasonable cause for the employee's failure to do so.

Refusal of medical treatment

38. Where an employee refuses treatment by a health professional or fails to carry out or deliberately disregards the instructions of a health professional for the employee's treatment, the Commissioner may direct as follows:

- (a) where the employee is receiving any periodical payment of compensation for temporary incapacity under section 17 —
 - (i) that those payments be suspended until the employee undergoes the treatment or complies with those instructions; and
 - (ii) where the Commissioner is satisfied that the duration of the employee's incapacity has been prolonged by the employee's refusal, failure or disregard — that those payments also be restricted to such period, calculated from the date of the accident, as the incapacity of the employee might reasonably have been expected to have lasted, had the employee undergone the treatment and complied with those instructions;
- (b) where the employee has been assessed to have suffered permanent incapacity or current incapacity and the Commissioner is satisfied that the incapacity has been aggravated by the employee's refusal, failure or disregard — that compensation be paid to the employee appropriate to such incapacity as the employee might

reasonably have been expected to have suffered if the employee had undergone the treatment and complied with those instructions.

Claim for permanent incapacity or current incapacity

39.—(1) Any employee who has made a deemed claim for a work injury under section 35 and who wishes to claim compensation for permanent incapacity or current incapacity arising from that work injury must make the claim, not later than one year after the date of the accident, for permanent incapacity or current incapacity.

(2) Subsection (1) does not apply where the employer's insurer or the Commissioner notifies the employee that the employee is being assessed for permanent incapacity or current incapacity.

(3) A claim mentioned in subsection (1) must be —

(a) made in the form and manner required by the Commissioner; and

(b) accompanied by a written statement from a health professional certifying that, in the health professional's opinion, the employee's injury could give rise to permanent incapacity.

(4) Subject to subsection (2), compensation for permanent incapacity or current incapacity is not payable to an employee who fails to make a claim in accordance with subsections (1) and (3).

Employer must cooperate with employer's insurer

40.—(1) In any proceedings in respect of an employer's liability to pay compensation under this Act, the employer must provide all reasonable assistance to the employer's insurer to enable the employer's insurer to conduct the proceedings or the defence in those proceedings.

(2) If the employer fails to comply with subsection (1), the employer is liable to indemnify the employer's insurer for the amount paid or deposited by the employer's insurer under section 18 as a result of the proceedings.

Withdrawal and resumption of claim

41.—(1) An employee may withdraw the employee's claim under this Act by giving a notice of withdrawal, in the manner required by the Commissioner, before any order of compensation is made or takes effect.

(2) Despite having given a notice of withdrawal under subsection (1) or a deemed withdrawal under section 35(5), an employee may resume the claim for compensation for work injury arising from an accident —

- (a) not later than one year after the date of the accident — by giving a notice of resumption of the claim to the employer's insurer or the Commissioner, as the case may be; or
- (b) more than one year after the date of the accident — if the Commissioner approves the employee's application, made in the manner required by the Commissioner, to resume the claim.

(3) Subject to subsection (4), the Commissioner may approve the resumption of the claim under subsection (2)(b) only if the Commissioner is satisfied that the delay was caused by mistake, absence from Singapore or other reasonable cause.

(4) The Commissioner must not give the approval mentioned in subsection (2)(b) if the Commissioner is satisfied that the delay was caused by an action for damages being instituted by or on behalf of the employee in any court for compensation in respect of that accident.

No compensation if claim withdrawn

42. Compensation is not payable to an employee while the employee's claim —

- (a) is deemed to be withdrawn under section 35(5); or
- (b) is withdrawn under section 41(1).

Representative of claimant, employee, employer, employer's insurer, etc.

43.—(1) Where this Act requires or permits any direction, notice, document or information to be given to or by a claimant, an employee, an employer, an employer's insurer or a principal (*A*), the direction, notice, document or information may be given to or by *A*'s representative.

- (2) Where *A* is required or permitted by or under this Act to —
- (a) attend a pre-hearing conference or hearing (other than an appearance for examination as a witness);
 - (b) make, withdraw or resume any claim or make or withdraw any objection; or
 - (c) make any decision or do any act in relation to the processing of compensation, settlement or determination of any claim under this Act,

the attendance, decision or act may be made or done by *A*'s representative.

(3) For the purposes of subsection (1) or (2), *A*'s representative is any of the following:

- (a) an advocate and solicitor duly authorised to act on behalf of *A*;
- (b) where *A* lacks capacity within the meaning of the Mental Capacity Act 2008 —
 - (i) any donee of a lasting power of attorney which is granted by *A* under the Mental Capacity Act 2008 on whom *A* has conferred authority to manage *A*'s property and affairs, or matters relating to compensation under this Act;
 - (ii) any deputy who is appointed or deemed to be appointed for *A* under the Mental Capacity Act 2008 and is conferred power to manage *A*'s property and affairs, or matters relating to compensation under this Act; or

- (iii) if *A* is a claimant or an employee, any relative of *A*, with the leave of the Commissioner;
 - (c) where *A* is dead —
 - (i) the executor or administrator of *A*'s estate; or
 - (ii) with the leave of the Commissioner, any relative of *A*, whether or not grant of representation of the estate has been obtained;
 - (d) where *A* is an employer or a principal —
 - (i) a person in *A*'s permanent and exclusive employment authorised by *A*; or
 - (ii) the employer's insurer in respect of *A*;
 - (e) where *A* is an employer's insurer, any representative authorised by *A*;
 - (f) with the leave of the Commissioner, any other person authorised in writing by *A* to act on *A*'s behalf.
- (4) Where the Government is a party to any proceedings under this Act, the following persons are representatives of the Government:
- (a) the head of the department by, in or under which the employee was employed;
 - (b) any officer of that department, authorised in writing by the head of that department;
 - (c) the Attorney-General or any person authorised by the Attorney-General.

Division 2 — Processing by employer's insurer

Insurer's process

44.—(1) The employer's insurer must process the employer's liability to pay compensation in accordance with this Act expeditiously —

- (a) on receipt of a notice of an accident from the employer under section 35(3)(b);

(b) on receipt of a notice of resumption of the claim under section 41(2)(a); or

(c) on the Commissioner's direction.

(2) If the employer's insurer is of the view that the employer's insurance policy with the employer's insurer does not insure the employer's liability to the claimant in respect of the accident, the employer's insurer must notify the Commissioner and the employer within the prescribed time.

(3) If the Commissioner is not notified in accordance with subsection (2), the employer's insurer must process the claim and serve a notice of computation on the claimant and the employer, stating —

(a) the amount of compensation payable in respect of the claim, computed in accordance with the First Schedule; or

(b) that compensation is refused because —

(i) the accident to which the claim relates did not arise out of or in the course of the claimant's employment with the employer; or

(ii) the claimant was not an employee within the meaning of this Act.

(4) Regulations made under section 82 may prescribe the circumstances in which the employer's insurer need not serve a notice of computation under subsection (3).

(5) Subject to section 46(5), a notice of computation under subsection (3) that is served on the claimant and the employer is deemed to have been agreed upon by them, and has the effect of an order of compensation —

(a) where no notice of objection under section 46 is received by the Commissioner within a period of 14 days after the date of service of the notice of computation — on the 15th day after the date of service of the notice of computation; or

(b) where all notices of objection so received by the Commissioner are withdrawn within a period of 28 days

after the date of service of the notice of computation — on the 29th day after the date of service of the notice of computation.

(6) For the purposes of subsection (5) and section 46(2), where an employer's insurer issues a notice of computation, the date the notice of computation is issued is deemed to be the date of service of the notice of computation on the employer's insurer.

Directions by Commissioner on designated insurer's denial of coverage

45. Where an employer's insurer gives notice to the Commissioner under section 44(2) denying, in whole or in part, that the employer's liability under this Act in relation to the accident is insured by the employer's insurer, the Commissioner may do any of the following:

- (a) direct the employer to give notice of the accident to another designated insurer with whom the employer has an approved policy;
- (b) give notice that the Commissioner will process the claim under Division 3 of this Part, and direct the employer's insurer or the employer or both to do anything to facilitate the processing of the claim by the Commissioner;
- (c) direct the employer's insurer to continue to process the claim under this Division and issue a notice of computation in accordance with section 44(3).

Objection to notice of computation

46.—(1) Where any of the following persons is aggrieved by a notice of computation issued under section 44(3) in relation to a claim, that person may give the Commissioner a notice of objection:

- (a) the claimant;
- (b) the employer or any other person named in the notice of computation as being liable to pay any compensation under the claim;
- (c) the employer's insurer who issued the notice of computation.

(2) A notice of objection under subsection (1) must state precisely the grounds of objection and must be given —

(a) before the expiry of —

(i) 14 days after the date of service of the notice of computation; or

(ii) if the Commissioner is satisfied that the notice of objection was delayed by any error or fraud, other than by the person giving the notice of objection — 90 days after the period mentioned in sub-paragraph (i) expires; and

(b) in the form and manner required by the Commissioner.

(3) Any change to the computation of compensation due to the Medical Board's assessment of incapacity is not an error for the purposes of subsection (2)(a)(ii).

(4) A person who has given a notice of objection may withdraw the objection by a notice given in the manner required by the Commissioner.

(5) If a notice of objection in respect of a notice of computation is accepted under subsection (2)(a)(ii) after the notice of computation has the effect of an order of compensation under section 44(5) —

(a) that order of compensation ceases to have effect, unless it has been enforced under section 60; and

(b) if the notice of objection is withdrawn before the Commissioner makes an order of compensation, the order of compensation mentioned in paragraph (a) is deemed to have effect under section 44(5) starting on the date of the withdrawal.

Payment of compensation by employer's insurer

47. Where the employer is liable to pay an amount of compensation stated in a notice of computation that, under section 44(5), has the effect of an order of compensation, the employer's insurer must, in accordance with section 18, pay or deposit that amount, up to the

amount insured under that employer's insurance policy with the employer's insurer.

Division 3 — Processing by Commissioner

Assessment or reassessment by Commissioner

48.—(1) Where the Commissioner processes a claim, the Commissioner must serve a notice of assessment on the employer, the employer's insurer (if any) and the claimant, stating —

- (a) the amount of compensation payable in respect of the claim, computed in accordance with the First Schedule; or
- (b) that compensation is refused, if the Commissioner is of the view that —
 - (i) the accident to which the claim relates did not arise out of or in the course of the claimant's employment with the employer; or
 - (ii) the claimant was not an employee within the meaning of this Act.

(2) Regulations made under section 82 may prescribe the circumstances in which the Commissioner need not serve a notice of assessment under subsection (1).

(3) Subject to section 49(5), a notice of assessment under subsection (1) that is served on the persons mentioned in that subsection is deemed to have been agreed upon by the persons served, and has the effect of an order of compensation —

- (a) where no notice of objection under section 49 is received by the Commissioner within a period of 14 days after the date of service of the notice of assessment — on the 15th day after the date of service of the notice of assessment; or
- (b) where all notices of objection so received by the Commissioner are withdrawn within a period of 28 days after the date of service of the notice of assessment — on the 29th day after the date of service of the notice of assessment.

(4) In any case of incapacity or death arising from an occupational disease, the Commissioner may reassess the compensation under section 10 at any time within 3 years after the date of the notice of computation or the notice of assessment in respect of the occupational disease, if the Commissioner is satisfied that —

- (a) there has been an aggravation of the result of the occupational disease after the date of the notice of computation or notice of assessment; and
- (b) the amount of compensation originally computed or assessed is substantially inadequate.

(5) The Commissioner must, where a reassessment under subsection (4) has been made, issue a notice of assessment of additional compensation payable by the employer and serve the notice on the persons mentioned in subsection (1).

(6) Unless otherwise prescribed, this section and section 49 apply to a notice of assessment of additional compensation under subsection (5) as they apply to a notice of assessment under subsection (1).

Objection to notice of assessment

49.—(1) Where any of the following persons is aggrieved by a notice of assessment issued by the Commissioner under section 48(1), or a notice of assessment of additional compensation issued by the Commissioner under section 48(5), in relation to a claim, that person may give the Commissioner a notice of objection:

- (a) the claimant;
- (b) the employer or any other person named in the notice of assessment as being liable to pay any compensation under the claim;
- (c) the employer's insurer (if any).

(2) A notice of objection under subsection (1) must state precisely the grounds of objection and must be given —

- (a) before the expiry of —
- (i) 14 days after the date of service of the notice of assessment; or
 - (ii) if the Commissioner is satisfied that the notice of objection was delayed by any error or fraud, other than by the person giving the notice of objection — 90 days after the period mentioned in sub-paragraph (i) expires; and
- (b) in the form and manner required by the Commissioner.
- (3) Any change to an assessment of compensation due to the Medical Board's assessment of incapacity is not an error for the purposes of subsection (2)(a)(ii).
- (4) A person who has given a notice of objection may withdraw the objection by a notice given in the manner required by the Commissioner.
- (5) If a notice of objection in respect of a notice of assessment is accepted under subsection (2)(a)(ii) after the notice of assessment has the effect of an order of compensation under section 48(3) —
- (a) that order of compensation ceases to have effect, unless it has been enforced under section 60; and
 - (b) if the notice of objection is withdrawn before the Commissioner makes an order of compensation, the order of compensation mentioned in paragraph (a) is deemed to have effect under section 48(3) starting on the date of the withdrawal.

*Division 4 — Resolution of disputes by Commissioner and
appeal to General Division of High Court*

[40/2019]

Directions by Commissioner

50.—(1) Where the Commissioner has notice of an accident giving rise to any work injury, the Commissioner may direct the claimant, the employer, an insurer, the principal (if any) or any other person in

connection with the claim to do anything to facilitate the compensation process under this Part, including any of the following:

- (a) to attend a pre-hearing conference mentioned in section 52 or a hearing under section 55;
- (b) to provide any information or document to the employer's insurer or the Commissioner.

(2) Where any person fails to comply with a direction under subsection (1) or section 52(a) or (b), without limiting the powers of the Commissioner, the Commissioner may do any of the following:

- (a) stop the compensation process;
- (b) where the compensation is being processed by the employer's insurer, decide to process the compensation instead under section 36(2)(b);
- (c) draw any adverse inference against that person, and issue a notice of assessment or make an order of compensation, as the case may be.

(3) Any direction made under subsection (1) or section 52(a) or (b) may be set aside or varied by the Commissioner on such terms as the Commissioner may specify.

(4) A person commits an offence if the person, without lawful excuse, fails to comply with a direction under subsection (1)(b) or section 52(a) and shall be liable —

- (a) on the first conviction — to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both; and
- (b) on a second or subsequent conviction — to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

Settlement of compensation

51.—(1) Where a claimant and the employer or the employer's insurer settle a claim for compensation under this Act, the claimant and the employer or employer's insurer (as the case may be) may —

- (a) enter into a settlement agreement, stating the amount of compensation payable, whether as a lump sum or a periodical payment; and
 - (b) apply for the settlement agreement to be recorded by the Commissioner as an order under subsection (2)(a).
- (2) The Commissioner may —
- (a) record the terms of the settlement and make any order to give effect to the settlement; or
 - (b) refuse to record the settlement and make a direction under section 50(1).
- (3) Where a party to a settlement agreement recorded in an order under subsection (2)(a) applies, within the prescribed period and in the form and manner required by the Commissioner, to set aside the order, the Commissioner may —
- (a) set aside the order if —
 - (i) the Commissioner is satisfied that the order should be set aside due to any error or fraud, other than by the applicant; and
 - (ii) there is no pending appeal under section 58 against the order; and
 - (b) make any direction under section 50(1) in respect of the claim.

Pre-hearing conference

52. At a pre-hearing conference, the Commissioner may consider any matter, including the possibility of settlement of all or any of the matters in dispute for the hearing, and may do one or more of the following:

- (a) direct any person attending the pre-hearing conference to provide any information and document to the Commissioner;
- (b) make any direction for the fair and expeditious determination of any matter for hearing;

- (c) where the claimant, the employer or the employer's insurer agree to a settlement of some or all of the matters for the hearing, record the terms of the settlement and make an order under section 51(2)(a);
- (d) make an order of refusal of compensation in respect of a claim, if the Commissioner is of the view that —
 - (i) the accident to which the claim relates did not arise out of or in the course of the claimant's employment with the employer; or
 - (ii) the claimant was not an employee within the meaning of this Act.

Failure to appear of one or more persons

53.—(1) If one or more of the persons directed under section 50(1)(a) to attend a pre-hearing conference or a hearing fails to attend, the Commissioner may make a decision concerning the claim and make any order under section 54 as the Commissioner thinks just.

(2) An order made by the Commissioner in the absence of a party concerned or affected by the order may be set aside or varied by the Commissioner on the application of that party, on such terms as the Commissioner thinks just, unless an appeal under section 58 is pending against the order.

(3) Without limiting subsection (1), where any person who is required to attend a pre-hearing conference or a hearing fails to attend the pre-hearing conference or hearing, the Commissioner may adjourn the pre-hearing conference or hearing, as the case may be.

Powers of Commissioner

54.—(1) The Commissioner has the power to do any of the following in determining the compensation payable under this Act:

- (a) if any matter relating to medical evidence arises —
 - (i) obtain an accepted medical report on the matter; or

- (ii) if an accepted medical report was used as evidence of the matter in making the notice of computation or notice of assessment objected to, refer the notice of objection to the Medical Board;
 - (b) if a notice of objection has been given under section 46 or 49, review the notice of computation or notice of assessment objected to, with or without conducting a hearing;
 - (c) make an order for the payment of compensation or refusal of compensation, as the Commissioner thinks just.
- (2) In a review under subsection (1)(b), the Commissioner must disregard any ground of objection that is not contained in a notice of objection given in accordance with section 46(2) or 49(2), as the case may be.
- (3) When making an order under subsection (1)(c), the Commissioner may also, subject to regulations made under section 82, order costs of and incidental to any proceedings before the Commissioner.
- (4) When making an order under subsection (1)(c), the Commissioner may also order the claimant to refund or to reimburse any overpayment of the following payments if the Commissioner is satisfied that the overpayment was made on the basis of any error or any false or misleading information:
- (a) any amount paid by any person as the claimant's employer or the employer's insurer as compensation payable in respect of a work injury under this Act;
 - (b) any ex gratia payment made under section 70 in respect of such compensation.

Hearing by Commissioner

55.—(1) Where the Commissioner holds a hearing for the purposes of this Act, the Commissioner has all the powers of a District Judge to summon and examine witnesses and administer oaths or affirmations and to compel the production of documents and material objects.

(2) The evidence of every witness must be recorded in writing or in any other suitable form of recording that can reduce the evidence to a readable form.

(3) Evidence recorded in writing or, if it is not recorded in writing, the transcript of the evidence recorded, must be signed by the Commissioner, and forms part of the record of the proceedings.

(4) The evidence of any witness may be recorded as a brief memorandum of the substance of the evidence, except that the evidence of any medical witness must be recorded as nearly as may be word for word.

(5) Every person who gives evidence before the Commissioner is bound to answer truthfully all questions put to that person by the Commissioner.

Experts to assist Commissioner

56. To assist the Commissioner in relation to any matter under this Act, the Commissioner may appoint one or more persons possessing special knowledge of any matter to advise the Commissioner on the matter.

Medical Board

57.—(1) The Minister may appoint a Medical Board to assist the Commissioner in matters relating to medical evidence for the purpose of determining the amount of compensation payable under this Act.

(2) Where a matter is referred to the Medical Board under section 54(1)(a) in relation to a claim, the Medical Board or a panel appointed under subsection (3) in relation to the matter —

(a) may require the claimant to submit to a medical examination by the Medical Board or the panel; and

(b) must submit a medical report on the claimant to the Commissioner.

(3) The Medical Board may appoint one or more panels consisting of 2 or more health professionals to carry out its functions under subsection (2).

(4) Subject to regulations made under section 82, the Medical Board and each panel may regulate its procedure in such manner as the Medical Board or panel (as the case may be) thinks fit.

(5) For the purpose of making an order under section 54(1)(c) in relation to the claim mentioned in subsection (2), the Commissioner must treat the medical report submitted under subsection (2)(b) in relation to the claim as conclusive evidence of the matters relating to medical evidence certified by that medical report.

Appeal to General Division of High Court

58.—(1) Subject to subsection (5), any person aggrieved by an order of compensation (called in this section the order appealed against) may appeal to the General Division of the High Court if —

- (a) the appeal involves a substantial question of law; and
- (b) the order is for refusal of compensation or for payment of compensation of an amount of compensation of \$1,000 or more.

[40/2019]

(2) The procedure governing an appeal to the General Division of the High Court under subsection (1) is as provided for in the Rules of Court.

[40/2019]

(3) The decision of the General Division of the High Court in an appeal under subsection (1) is final.

[40/2019]

(4) Despite any appeal under subsection (1) —

- (a) the employer or the employer's insurer, if directed under section 21(1) to deposit with the Commissioner the amount of compensation stated in the order appealed against, must do so; and
- (b) the deposit is to be held by the Commissioner pending the outcome of the appeal.

(5) No appeal under this section lies against the following orders:

- (a) a notice of computation that, under section 44(5), has the effect of an order of compensation;

- (b) a notice of assessment that, under section 48(3), has the effect of an order of compensation;
- (c) an order made under section 51(2)(a) to give effect to a settlement agreement that has not been set aside under section 51(3).

Division 5 — Enforcement of orders and offences

Interest on compensation not paid or deposited in time

59.—(1) Where any person fails to pay or deposit compensation in accordance with section 18, 19 or 58(4)(a) (as the case may be) within the time required by or under this Act, interest is payable at the prescribed rate.

(2) The total amount of interest payable under subsection (1) must not exceed 50% of the amount of compensation that the person has failed to pay or deposit within the required time.

(3) Interest under this section must be deposited with the Commissioner within such time as the Commissioner may specify.

(4) The Commissioner may waive or remit the whole or any part of the interest payable under this section.

Enforcement of orders

60.—(1) An order of compensation is to be enforced by a District Court in the same manner as a judgment of that Court and all necessary process may be served by that Court on behalf of the Commissioner.

(2) Any sale of immovable property for the purposes of the enforcement may only be ordered by the General Division of the High Court.

[40/2019]

Offence for failing to pay or deposit compensation, etc., and recovery on conviction

61.—(1) A person who fails to pay the whole or any part of the compensation payable by that person in accordance with this Act (including section 18(2) or 19(1)), or to do so within the time required

by or under this Act, shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$15,000 or to imprisonment for a term not exceeding 12 months or to both; or
- (b) if the person is a repeat offender, to a fine not exceeding \$30,000 or to imprisonment for a term not exceeding 12 months or to both.

(2) A person is a repeat offender in relation to an offence under subsection (1) if the person who is convicted of an offence under that subsection has been convicted on at least one other earlier occasion of —

- (a) an offence under subsection (1); or
- (b) an offence under section 35(2)(a) of the repealed Act, whether the conviction was before, on or after 1 September 2020.

(3) A person who fails to deposit with the Commissioner the whole or any part of the interest payable by that person under section 59, or to do so within the time required under that section, shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$15,000 or to imprisonment for a term not exceeding 12 months or to both; or
- (b) if the person is a repeat offender, to a fine not exceeding \$30,000 or to imprisonment for a term not exceeding 12 months or to both.

(4) A person is a repeat offender in relation to an offence under subsection (3) if the person who is convicted of an offence under that subsection has been convicted on at least one other earlier occasion of —

- (a) an offence under subsection (3); or
- (b) an offence under section 35(2)(b) of the repealed Act, whether the conviction was before, on or after 1 September 2020.

(5) A person who fails to deposit with the Commissioner the whole or any part of an amount that the person is directed to deposit under section 21, or to do so within the time required under that section, shall be guilty of an offence and shall be liable —

- (a) on the first conviction — to a fine not exceeding \$15,000 or to imprisonment for a term not exceeding 12 months or to both; and
- (b) on a second or subsequent conviction — to a fine not exceeding \$30,000 or to imprisonment for a term not exceeding 12 months or to both.

(6) On the application of the Commissioner, the court before which any person is convicted of an offence under subsection (1), (3) or (5) for failing to pay or deposit any amount may, in addition to imposing the penalty prescribed for the offence, order that person to pay the amount directly to the person to whom the amount is due or deposit (as the case may be) the amount that remains unpaid or undeposited by that person.

(7) Where a court has ordered any amount to be paid or deposited under subsection (6), section 360 of the Criminal Procedure Code 2010 applies as if the amount were a sum of money ordered to be paid by way of compensation under section 359 of that Code.

Offence of false or misleading information to obtain or avoid compensation

62.—(1) A person who —

- (a) makes any statement; or
- (b) provides, or causes to be provided, any document or information,

that the person knows or ought reasonably to know is false or misleading in any material particular or is misleading by reason of the omission of any material particular, to the Commissioner or an investigation officer for the purposes of this Act shall be guilty of an offence and shall be liable on conviction —

- (c) to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both; or

(d) if the person is a repeat offender, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

(2) A person is a repeat offender in relation to an offence under subsection (1)(a) or (b) if the person who is convicted of an offence under subsection (1)(a) or (b) has been convicted on at least one other earlier occasion of —

(a) an offence under subsection (1)(a) or (b); or

(b) an offence under section 35(2)(c) of the repealed Act, whether the conviction was before, on or after 1 September 2020.

(3) A person who dishonestly —

(a) obtains compensation under this Act or causes another person to obtain such compensation; or

(b) avoids or causes another person to avoid the whole or part of that person's, or that other person's, liability to pay compensation under this Act,

by making any statement, or providing (or causing to be provided) any document or information, which that person knows or ought reasonably to know is false or misleading in any material particular or is misleading by reason of the omission of any material particular, shall be guilty of an offence and shall be liable on conviction —

(c) to a fine not exceeding \$15,000 or to imprisonment for a term not exceeding 12 months or to both; or

(d) if the person is a repeat offender, to a fine not exceeding \$30,000 or to imprisonment for a term not exceeding 12 months or to both.

(4) A person is a repeat offender in relation to an offence under subsection (3)(a) or (b) if the person who is convicted of —

(a) an offence under subsection (3)(a) has been convicted on at least one other earlier occasion of —

(i) an offence under subsection (3)(a) or (b); or

- (ii) an offence under section 35(2)(f) of the repealed Act, whether the conviction was before, on or after 1 September 2020; or
- (b) an offence under subsection (3)(b) has been convicted on at least one other earlier occasion of an offence under subsection (3)(a) or (b).

Division 6 — Action for damages and indemnity

Limitation of right of action for damages

63.—(1) This Act does not confer any right to compensation on an employee in respect of the employee's injury if —

- (a) an action in any court has been instituted by or on behalf of the employee for damages in respect of that injury against his or her employer; or
- (b) damages have been recovered in any court in respect of the employee's injury from his or her employer.

(2) Subject to subsections (3) and (5), no action for damages may be maintained in any court by or on behalf of an employee against the employer in respect of any injury caused by an accident arising out of and in the course of the employee's employment if —

- (a) the employee has recovered damages in respect of the employee's injury in any court from any other person;
- (b) an order is made under section 51(2)(a) to give effect to a settlement agreement in respect of compensation under this Act for that injury;
- (c) a notice of computation, or a notice of assessment, for that injury has, under section 44(5) or 48(3), the effect of an order of compensation;
- (d) the employee does not withdraw his or her claim in respect of compensation under this Act for that injury within 28 days after the date of service of the notice of computation or notice of assessment (as the case may be) or the claim, if so withdrawn, does not remain withdrawn; or

- (e) an order for the payment of compensation for that injury is made under section 54(1)(c).
- (3) An employee may institute an action in any court against his or her employer for damages in respect of an injury where —
- (a) a notice of computation or notice of assessment (as the case may be) for compensation in respect of that injury is served on the employee, and the employee makes no objection to the notice;
 - (b) on review of the notice of computation or notice of assessment, the Commissioner makes an order under section 54(1)(c) for compensation in respect of that injury that is of a lesser amount than the amount stated in the notice;
 - (c) within a period of 28 days after the date of service of the order mentioned in paragraph (b) on the employee, the employee —
 - (i) notifies the Commissioner, the employer and the employer's insurer (if any), in writing that the employee does not accept the compensation so ordered; and
 - (ii) has not received or retained any part of such compensation earlier paid (if any) by, or on behalf of, the employer; and
 - (d) no appeal under section 58 is made against the order mentioned in paragraph (b).
- (4) The order mentioned in subsection (3)(b) becomes void when the employee institutes the action mentioned in subsection (3).
- (5) Nothing in this Act prevents an injured individual from instituting an action in any court to recover damages independently of this Act for an injury in respect of which —
- (a) an order of refusal of compensation has been made or has taken effect; or
 - (b) an appeal to the General Division of the High Court under section 58 has failed because —

- (i) the injury did not arise out of and in the course of the injured individual's employment; or
- (ii) the injured individual is not an employee within the meaning of this Act.

[40/2019]

(6) If —

- (a) an action is instituted by or for an employee within one year after the date of the accident in any court to recover damages independently of this Act for injury caused by any accident; and
- (b) it is determined in the action or on appeal that the injury is one for which the employer is not liable, but that the employer would have been liable to pay compensation under this Act,

the court must —

- (c) dismiss the action; and
- (d) if the employee so chooses, proceed to assess the compensation payable under this Act (despite subsection (1)) and may deduct from the compensation all or any part of the costs which, in the judgment of the court, are caused by the employee instituting the action instead of proceeding under this Act.

(7) Where the court assesses the compensation under subsection (6)(d), the court must give a certificate of —

- (a) the compensation awarded; and
- (b) the direction given (if any) as to the deduction of costs.

(8) A certificate mentioned in subsection (7) has the same effect as a judgment of the court.

Remedies against both employer and third party

64.—(1) Where any injury for which compensation is payable under this Act was caused under circumstances creating a legal liability in some person other than the employer (called in this section the third party) to pay damages in respect of the injury —

- (a) the employee may take proceedings against the third party to recover damages and may claim against any person liable to pay compensation under this Act, but the employee is not entitled to recover both damages and compensation; and
 - (b) where the employee has recovered compensation under this Act, the following persons are entitled to be indemnified by the third party:
 - (i) the person by whom the compensation was paid;
 - (ii) the employer who has indemnified a principal who paid the compensation under section 13(3).
- (2) Subsection (3) applies where the right to recover damages from any third party, in respect of any injury caused to an employee by an accident arising out of and in the course of the employee's employment, is reduced by virtue of any wilful act or negligence of the employer or employee.
- (3) The right to be indemnified by the third party under subsection (1)(b) is limited to a right to be indemnified in respect of part of the total compensation paid or payable in such proportion as the court may determine as is appropriate to the degree to which the injury was attributable to the act, default or negligence of the third party.

PART 5

APPLICATION OF ACT TO SEAFARERS

Application of Act to seafarer

65.—(1) This Act applies to any seafarer, subject to any modification that may be prescribed for the application of any provision of this Act to the seafarer.

(2) Where a seafarer is injured in an accident occurring on a Singapore ship, this Act applies whether the ship is within or outside Singapore at the time of the accident.

- (3) In this Part, unless the context otherwise requires —
- “crew”, “master” and “Singapore ship” have the meanings given by the Merchant Shipping Act 1995;
 - “seafarer” means any person who —
 - (a) is an employee within the meaning of this Act; and
 - (b) is employed as part of the crew of any Singapore ship.

Depositions admissible under Merchant Shipping Act 1995

66.—(1) Where an injured seafarer is discharged or left behind in any territory in the Commonwealth or in a foreign country, depositions about the circumstances and nature of the injury may be taken by —

- (a) any judge or magistrate in that territory; or
- (b) a consular officer in the foreign country.

(2) Where any deposition is taken in accordance with subsection (1) and transmitted to the Minister by the person who took the deposition, the deposition or certified copies thereof are admissible in evidence in any proceedings for compensation under this Act, as provided by sections 184 and 186 of the Merchant Shipping Act 1995, and those sections apply accordingly.

Effect of other laws relating to shipping

67.—(1) No periodical payment for temporary incapacity is payable in respect of the period during which the owner of the ship is, under any law relating to shipping in force for the time being in Singapore or any part thereof (other than the Merchant Shipping (Maritime Labour Convention) Act 2014), liable to defray the expenses of maintenance of the injured seafarer.

(2) Where a seafarer has received payment under section 35 of the Merchant Shipping (Maritime Labour Convention) Act 2014 for the cost of medical treatment in respect of any work injury within the meaning of this Act, the amount of compensation payable to the

seafarer under section 16(1) for the cost of medical treatment in respect of that work injury is to be reduced by the amount so received.

(3) Where a seafarer has received payment under section 36 of the Merchant Shipping (Maritime Labour Convention) Act 2014 for loss of earnings in respect of any work injury within the meaning of this Act, the amount of compensation payable to the seafarer under section 17(1) for any temporary incapacity resulting from that work injury is to be reduced by the amount so received.

(4) Section 24 does not apply in respect of a seafarer in respect of whom there is in force a contract of insurance or other financial security under section 34 of the Merchant Shipping (Maritime Labour Convention) Act 2014 covering the liabilities of the ship owner in respect of the seafarer under that Act.

PART 6

POWERS FOR EXECUTION OF ACT

Powers of Commissioner and investigation officers

68.—(1) For the purposes of the execution of this Act, the Commissioner and any investigation officer have the following powers:

- (a) to enter, inspect and examine at any time any workplace;
- (b) to enter, inspect and examine at all reasonable times any place which the Commissioner or an investigation officer has reasonable cause to believe to be —
 - (i) a workplace; or
 - (ii) a place of which a workplace forms a part;
- (c) to inspect and examine any machinery, equipment, plant, installation or article in any place mentioned in paragraphs (a) and (b);
- (d) where the Commissioner, or an investigation officer, is a health professional, to carry out on any person who is or had been working in a workplace such medical

examinations as may be necessary for the purposes of this Act;

- (e) to take samples of any material or substance found in a workplace or being discharged from a workplace for the purpose of analysis or test;
- (f) to assess the levels of noise, illumination, heat or harmful or hazardous substances in any workplace and the exposure levels of persons at work therein;
- (g) to take such photographs or video recording as the Commissioner or investigation officer thinks necessary of the premises and persons reasonably believed to be acquainted with the facts and circumstances relevant to the carrying out of the provisions of this Act;
- (h) to take into custody any article in the workplace which is relevant to the carrying out of the provisions of this Act.

(2) For the purposes of the execution of this Act, the Commissioner or an investigation officer may —

- (a) examine orally any person who appears to be acquainted with any facts and circumstances relevant to the carrying out of the provisions of this Act, and reduce to writing any statement made by that person;
- (b) require any person who appears to be acquainted with any facts and circumstances relevant to the carrying out of the provisions of this Act to attend at such time and place as may be specified in a notice served on the person; and
- (c) require any person, whom the Commissioner or investigation officer has reason to believe has any document, including documents of identity or documents containing information relevant to the carrying out of the provisions of this Act, to produce any such document to the Commissioner or investigation officer.

(3) A person examined under subsection (2)(a) must state truly the facts and circumstances relevant to the carrying out of the provisions of this Act with which the person is acquainted, except only that the

person may decline to make any statement that would tend to incriminate the person or expose the person to penalty.

(4) A statement made under subsection (2)(a) by any person must be read to the person and, after correction, if necessary, be signed by the person.

(5) If any person fails to attend as required by a notice under subsection (2)(b), the Commissioner or investigation officer may report the failure to a Magistrate who may thereupon issue a warrant to secure the attendance of that person as required by the notice.

(6) A person who wilfully —

(a) obstructs or delays the Commissioner or an investigation officer in the exercise of his or her powers under this section;

(b) fails to produce any document which that person is required to produce under subsection (2)(c);

(c) withholds any information that the person is required to give under subsection (2)(a); or

(d) conceals or prevents any person from appearing before the Commissioner or an investigation officer,

shall be guilty of an offence and shall be liable on conviction —

(e) to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both; or

(f) if the person is a repeat offender, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

(7) A person is a repeat offender in relation to an offence under subsection (6) if the person who is convicted of an offence under subsection (6)(a), (b), (c) or (d) has been convicted on at least one other earlier occasion of —

(a) an offence under subsection (6)(a), (b), (c) or (d); or

(b) an offence under section 35(2)(e) of the repealed Act, whether the conviction was before, on or after 1 September 2020.

Reciprocal arrangements for payment of work injury compensation

69.—(1) This section applies where there is an arrangement between the Government and the government of any other State by which the sums mentioned in paragraphs (a) and (b) may, at the request of the authority by which the sums are awarded, be transferred to and administered by a competent authority in the territory administered by that government (called in this section the other territory) or by the Commissioner in Singapore, as the case may be:

- (a) sums awarded under the law relating to work injury compensation in Singapore to persons resident or becoming resident in the other territory;
- (b) sums awarded under the law relating to work injury compensation in the other territory to persons resident or becoming resident in Singapore.

(2) Where there is an arrangement mentioned in subsection (1), money in the hands of the Commissioner is to be transferred, and money received by the Commissioner is to be administered, in such manner as may be prescribed.

Ex gratia payments from Workers' Fund

70. The Commissioner may make ex gratia payments from the Workers' Fund, of an amount not exceeding the compensation that the employee is entitled to under this Act, to any person to whom money deposited with the Commissioner may be paid in accordance with section 21.

Protection from personal liability

71. No liability shall lie personally against —

- (a) the Commissioner;
- (b) an Assistant Commissioner;
- (c) an investigation officer;

- (d) a health professional making an assessment or preparing a medical report in respect of any claimant under this Act; or
- (e) a person appointed as a member of the Medical Board or a panel under section 57,

who, acting in good faith and with reasonable care, does or omits to do anything in the execution or purported execution of this Act.

PART 7

GENERAL PROVISIONS ON OFFENCES

Offences by corporations

72.—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of a corporation in relation to a particular conduct, evidence that —

- (a) an officer, employee or agent of the corporation engaged in that conduct within the scope of his or her actual or apparent authority; and
- (b) the officer, employee or agent had that state of mind,

is evidence that the corporation had that state of mind.

(2) Where a corporation commits an offence under this Act, a person —

- (a) who is —
 - (i) an officer of the corporation; or
 - (ii) an individual involved in the management of the corporation and in a position to influence the conduct of the corporation in relation to the commission of the offence; and
- (b) who —
 - (i) consented or connived, or conspired with others, to effect the commission of the offence;

- (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the corporation; or
- (iii) knew or ought reasonably to have known that the offence by the corporation (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

shall be guilty of that same offence as is the corporation, and shall be liable on conviction to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the corporation if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the corporation would bear.

(4) To avoid doubt, this section does not affect the application of —

- (a) Chapters 5 and 5A of the Penal Code 1871; or
- (b) the Evidence Act 1893 or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) also does not affect the liability of the corporation for an offence under this Act, and applies whether or not the corporation is convicted of the offence.

(6) In this section —

“corporation” includes a limited liability partnership within the meaning of section 2(1) of the Limited Liability Partnerships Act 2005;

“officer”, in relation to a corporation, means any director, partner, chief executive, manager, secretary or other similar officer of the corporation, and includes —

- (a) any person purporting to act in any such capacity; and
- (b) for a corporation whose affairs are managed by its members, any of those members as if the member were a director of the corporation;

“state of mind” of a person includes —

- (a) the knowledge, intention, opinion, belief or purpose of the person; and
- (b) the person’s reasons for the intention, opinion, belief or purpose.

Offences by unincorporated associations or partnerships

73.—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of an unincorporated association or a partnership in relation to a particular conduct, evidence that —

- (a) an employee or agent of the unincorporated association or the partnership engaged in that conduct within the scope of his or her actual or apparent authority; and
- (b) the employee or agent had that state of mind,

is evidence that the unincorporated association or partnership had that state of mind.

(2) Where an unincorporated association or a partnership commits an offence under this Act, a person —

- (a) who is —
 - (i) an officer of the unincorporated association or a member of its governing body;
 - (ii) a partner in the partnership; or
 - (iii) an individual involved in the management of the unincorporated association or partnership and in a position to influence the conduct of the unincorporated association or partnership (as the case may be) in relation to the commission of the offence; and
- (b) who —
 - (i) consented or connived, or conspired with others, to effect the commission of the offence;
 - (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the

commission of the offence by the unincorporated association or partnership; or

- (iii) knew or ought reasonably to have known that the offence by the unincorporated association or partnership (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

shall be guilty of the same offence as is that unincorporated association or partnership, and shall be liable on conviction to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the unincorporated association or partnership if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the unincorporated association or partnership would bear.

(4) To avoid doubt, this section does not affect the application of —

- (a) Chapters 5 and 5A of the Penal Code 1871; or
- (b) the Evidence Act 1893 or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) also does not affect the liability of an unincorporated association or a partnership for an offence under this Act, and applies whether or not the unincorporated association or partnership is convicted of the offence.

(6) In this section —

“officer”, in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, and includes —

- (a) any person holding a position analogous to that of president, secretary or member of a committee of the unincorporated association; and
- (b) any person purporting to act in any such capacity;

“partner” includes a person purporting to act as a partner;

“state of mind” of a person includes —

- (a) the knowledge, intention, opinion, belief or purpose of the person; and
- (b) the person’s reasons for the intention, opinion, belief or purpose.

When Magistrate may try offence

74. For the purpose of section 151 of the Criminal Procedure Code 2010, on receiving a complaint in writing and signed by the Commissioner, the Magistrate must proceed to issue a summons or warrant in accordance with section 153 of that Code.

Jurisdiction of court

75. Despite the Criminal Procedure Code 2010, a District Court has jurisdiction to try any offence under this Act and has power to impose the full punishment for any such offence.

Composition of offences

76.—(1) The Commissioner, or an Assistant Commissioner so authorised by the Commissioner, may compound any offence under this Act that is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following:

- (a) one half of the amount of the maximum fine that is prescribed for the offence;
- (b) \$5,000.

(2) On payment of the sum of money, no further proceedings are to be taken against that person in respect of the offence.

(3) All sums collected under this section must be paid into the Consolidated Fund.

Government not liable to prosecution

77. To avoid doubt, nothing in this Act renders the Government liable to prosecution for an offence.

PART 8

MISCELLANEOUS

Immunity from liability for disclosure of information

78.—(1) A person required under this Act to provide information to a designated insurer or the Commissioner for the purposes of processing a claim under this Act does not commit any offence under any written law or any breach of confidence, or incur any civil liability, merely by disclosing any information, in good faith and with reasonable care, in accordance with any direction of the Commissioner under this Act or any requirement under this Act.

(2) A designated insurer does not commit any offence under any written law or any breach of confidence, or incur any civil liability, merely by disclosing any information, in good faith and with reasonable care, in accordance with any direction of the Commissioner under this Act or any requirement under this Act.

Exemptions

79.—(1) The Minister may, by order in the *Gazette* and with or without conditions, exempt any class or description of persons from all or any of the provisions of this Act.

(2) If a person fails to comply with a condition of an exemption, the exemption does not, while the non-compliance continues, operate in that person's favour.

(3) If, by virtue of subsection (2), a person is guilty of an offence under a provision of this Act from which the person was exempted by an exemption, the person may be proceeded against for that offence.

Service of documents

80.—(1) Any notice or document required or authorised to be served under this Act may be served in any manner prescribed under this Act.

(2) Where a notice or document mentioned in subsection (1) is available on an electronic system specified by the Commissioner that any person in a class prescribed under this Act has the right and means to access, the notice or document may also be served on that person by the Commissioner or a designated insurer (as the case may be) notifying the person that the notice or document is available on that electronic system.

(3) The notice or document is deemed to be served under subsection (2) when the person receives the Commissioner's or designated insurer's notification that the notice or document is available on the electronic system.

(4) This section does not apply to service in proceedings in any court.

Amendment of Schedules

81.—(1) The Minister may, by order in the *Gazette*, add to or amend any of the Schedules.

(2) The Minister may, in any order made under subsection (1), make such saving or transitional provisions as may be necessary or expedient.

Regulations

82.—(1) The Minister may make regulations generally for the carrying out or giving effect to the purposes and provisions of this Act.

(2) Without limiting subsection (1), the Minister may make regulations for or with respect to all or any of the following matters:

- (a) the limitations subject to which persons appointed to exercise powers and perform duties conferred and imposed on the Commissioner may exercise and perform such powers and duties;

- (b) the intervals at which and conditions subject to which a claimant may be required to submit himself or herself for examination by a health professional under this Act;
- (c) the manner in which money deposited with the Commissioner may be invested;
- (d) the procedure in respect of any proceedings or any matter or thing to be done under this Act;
- (e) the fees to be paid in respect of any matter or thing done or document issued under this Act, including fees in relation to the approval of insurance policies and the designation of designated insurers;
- (f) the procedure for application for designation as a designated insurer and for appeals to the Minister by designated insurers against a decision of the Commissioner;
- (g) the transfer outside Singapore of money in the hands of the Commissioner or the receipt and administration by the Commissioner of any money from outside Singapore applicable for the benefit of any person;
- (h) the maintenance and application of the Workers' Fund;
- (i) the procedure to be followed when a health professional who has examined a claimant certifies that medical treatment in an approved medical institution is necessary under section 16 and the payment of the cost of medical treatment;
- (j) require an employer to display the certificate of insurance issued by the employer's insurer for the approved policy or policies applicable to the employer;
- (k) the period within which any compensation has to be paid by any person liable to pay the compensation under this Act;
- (l) the application of any provision of this Act, with the modifications specified in the regulations, to a principal against whom a direction under section 13(1) is made;

- (m) the application of any provision of this Act, with the modifications specified in the regulations, to a seafarer;
- (n) any matter as may be necessary or expedient to be prescribed for carrying out the provisions of this Act.

(3) The regulations made under this section may provide that any contravention of any provision of the regulations shall be an offence punishable with a fine not exceeding \$10,000 or with imprisonment for a term not exceeding 6 months or with both.

Repeal and saving and transitional provisions

83.—(1) Despite its repeal, the repealed Act continues to apply, as if this Act had not been enacted, to any personal injury caused by an accident to an employee, or disease contracted by an employee, if the date of the accident for that personal injury or disease is before 1 September 2020.

(2) Where, immediately before 1 September 2020, an employer is insured under an approved policy mentioned in section 23 of the repealed Act (called in this subsection the existing policy) —

- (a) subject to paragraph (c)(ii), Part 3 does not apply to that employer, the existing policy and the insurer in respect of that existing policy until the earlier of the following:
 - (i) the existing policy expires or is due for renewal;
 - (ii) one year after 1 September 2020;
- (b) section 23 of the repealed Act and the Work Injury Compensation Insurance Regulations (Cap. 354, Rg 3) as in force before 1 September 2020 continue to apply to that employer, the existing policy and the insurer in respect of that existing policy until the earlier of the following:
 - (i) the existing policy in question has expired or is due for renewal;
 - (ii) one year after 1 September 2020; and
- (c) if an accident occurs on or after 1 September 2020 for which the employer may be liable —

- (i) a claim for compensation in respect of any injury resulting from that accident is to be processed by the Commissioner under section 36(2); and
- (ii) the references to the employer's insurer in sections 3(3), 16, 17, 18, 19, 21, 27, 35, 40, 43, 48, 49, 50(1)(b), 51, 52, 54, 58, 63 and 82 apply as if they include references to that insurer of the existing policy.

(3) For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by regulations, prescribe such additional provisions of a saving or transitional nature consequent on the enactment of that provision as the Minister may consider necessary or expedient.

(4) Nothing in this section affects section 16 of the Interpretation Act 1965.

[84]

FIRST SCHEDULE

Sections 2, 14, 16(1), 17(1), 44(3),
48(1) and 81

AMOUNT OF COMPENSATION

1.—(1) Where death results from a work injury, the amount of compensation payable must be paid in a lump sum, obtained by multiplying the AME of the deceased employee by the appropriate factor in the second column of Table A according to the age on the next birthday of the deceased employee at the time of the accident as specified in the first column of Table A:

TABLE A

<i>First column</i>	<i>Second column</i>
<i>Age</i>	<i>Multiplying factor</i>
14 and below	136
15	135
16	135
17	134
18	134

FIRST SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>
<i>Age</i>	<i>Multiplying factor</i>
19	133
20	132
21	132
22	131
23	130
24	129
25	128
26	127
27	127
28	125
29	124
30	123
31	122
32	121
33	120
34	118
35	117
36	115
37	114
38	112
39	110
40	108
41	107
42	106
43	105
44	104
45	103

FIRST SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>
<i>Age</i>	<i>Multiplying factor</i>
46	102
47	101
48	100
49	98
50	96
51	94
52	92
53	90
54	88
55	86
56	84
57	82
58	80
59	78
60	75
61	72
62	68
63	63
64	58
65	53
66 and above	48.

(2) The compensation payable under this paragraph is in no case to be more than \$225,000 or less than \$76,000.

2. Where an employee has permanent total incapacity or current total incapacity resulting from a work injury, the amount of compensation calculated in accordance with the formula $C + 0.25C$ must be paid in a lump sum, where C is —

- (a) subject to sub-paragraphs (b) and (c), an amount obtained by multiplying the AME of the employee by the appropriate factor in

FIRST SCHEDULE — *continued*

the second column of Table B according to the age on the next birthday of the employee at the time of the accident as specified in the first column of Table B:

TABLE B

<i>First column</i>	<i>Second column</i>
<i>Age</i>	<i>Multiplying factor</i>
14 and below	181
15	180
16	179
17	178
18	178
19	177
20	176
21	175
22	174
23	173
24	172
25	170
26	169
27	168
28	167
29	165
30	164
31	162
32	160
33	159
34	157
35	155
36	153

FIRST SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>
<i>Age</i>	<i>Multiplying factor</i>
37	151
38	149
39	146
40	144
41	142
42	140
43	138
44	136
45	134
46	132
47	130
48	128
49	126
50	124
51	122
52	120
53	118
54	116
55	114
56	111
57	108
58	105
59	102
60	99
61	96
62	92
63	87

FIRST SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>
<i>Age</i>	<i>Multiplying factor</i>
64	82
65	77
66 and above	72;

- (b) if the amount obtained under sub-paragraph (a) is less than \$97,000 — \$97,000; and
- (c) if the amount obtained under sub-paragraph (a) is more than \$289,000 — \$289,000.

3.—(1) Where an employee has permanent partial incapacity or current partial incapacity resulting from a work injury, the amount of compensation is to be calculated —

- (a) in the case of an injury specified in the Fourth Schedule — by multiplying C (mentioned in paragraph 2) by the percentage of loss of earning capacity caused by the injury as specified in that Schedule; and
- (b) in the case of an injury not specified in the Fourth Schedule — by multiplying C (mentioned in paragraph 2) by the percentage of loss of earning capacity caused by the injury (assuming that it is permanent) in every employment which the employee was capable of undertaking at the time of the accident resulting in the incapacity.

(2) Where more injuries than one are caused by the same accident the amount of compensation payable in respect of all such injuries are to be aggregated but not so as to exceed in any case the amount which would have been payable in respect of permanent total incapacity.

4.—(1) Subject to sub-paragraph (2), where temporary incapacity results from a work injury, the employee is entitled (for each day within a period of one year starting on the date of the accident that caused the work injury that the employee is on hospitalisation leave, medical leave or light duties granted due to the work injury) to periodical payments based on any one of the following amounts, as the case may be:

- (a) for the first 60 days of hospitalisation leave — the employee's AME;
- (b) for any subsequent days of hospitalisation leave — two-thirds of the employee's AME;

FIRST SCHEDULE — *continued*

- (c) for the first 14 days of medical leave and light duties —
- (i) when the employee is on medical leave — the employee's AME; and
 - (ii) when the employee is on light duties — the shortfall (if any) in the employee's actual wages for that period below the employee's AME;
- (d) for any subsequent days of medical leave or light duties —
- (i) when the employee is on medical leave — two-thirds of the employee's AME; and
 - (ii) when the employee is on light duties — the shortfall (if any) in the employee's actual wages for that period below two-thirds of the employee's AME.
- (2) No payment under sub-paragraph (1) is to be deducted from the lump sum payable under paragraph 2 or 3 in respect of any permanent incapacity or current incapacity which follows any period of temporary incapacity.
- (3) If the temporary incapacity of the employee ceases before the date on which any payment under sub-paragraph (1) falls due, the employee must be paid an amount as is appropriate to the duration of the temporary incapacity.
- (4) For the purposes of this paragraph, where an employee is certified by a health professional of an approved medical institution to be ill enough to need to be hospitalised but the employee is not hospitalised for any reason whatsoever, the employee is deemed to be hospitalised.
- (5) In this paragraph —
- (a) an employee's actual wages during a period are the remuneration paid to the employee for that period and —
 - (i) includes the following:
 - (A) overtime payments;
 - (B) travelling allowances and payments for travelling concessions;
 - (C) allowances for food or housing;
 - (D) contributions towards any pension or provident fund for the employee's contribution or employer's contribution under the Central Provident Fund Act 1953; but

FIRST SCHEDULE — *continued*

- (ii) excludes payments to the employee to cover any special expenses incurred by the employee by reason of the nature of the employee's employment;
- (b) where an employee's employment is terminated after the accident causing the work injury, the employee's entitlement under sub-paragraph (1) also applies when the employee is on hospitalisation leave or medical leave that is granted after that termination;
- (c) an employee's entitlement under sub-paragraph (1) for light duties applies during any period when the employee is certified by a health professional (while the employee is in the employer's employment) to be fit only for light duties —
 - (i) even if the employee's employment is terminated while the employee is on light duties; but
 - (ii) excluding any period when the employee is absent without leave; and
- (d) an employee is not taken to be on hospitalisation leave, medical leave or light duties on —
 - (i) any day when the employee takes a rest day or paid leave under the Employment Act 1968 or the Child Development Co-Savings Act 2001; or
 - (ii) where the employee's employment has been terminated — the employee's days off as determined by the Commissioner, having regard to the employee's normal work pattern before the accident.

5.—(1) Any compensation payable by an employer for the medical treatment received by an employee in relation to the employee's work injury is the lower of the following amounts:

- (a) the cost of medical treatment received by the employee within a period of one year after the date of the accident causing the injury;
- (b) \$45,000 per accident per employee.

(2) To avoid doubt, the cost of medical treatment includes, but is not limited to —

- (a) the charges in connection with an emergency medical transport for the conveyance of an injured employee to receive medical treatment;
- (b) the fees for medical reports required for the purposes of this Act;

FIRST SCHEDULE — *continued*

- (c) the charges for physiotherapy and occupational and speech therapy;
- (d) the charges for case management, psychotherapy for the treatment of post-traumatic stress disorder, functional capacity evaluation and worksite assessment, required for the purposes of rehabilitating and enabling an injured employee to return to work;
- (e) the cost of medicines, artificial limbs and surgical appliances; and
- (f) the charges and fees for medical examination and consultation related to medical treatment.

6.—(1) Where an employee has been continuously employed by the same employer for more than one whole calendar month immediately before the date of the accident, the employee's AME is computed according to the formula $\frac{A}{P}$, where —

- (a) A is the actual earnings of the employee during the computation period;
- (b) the computation period is the period of whole calendar months that the employee was employed immediately preceding the accident (up to a maximum of 12 such months if the employee was employed for more than 12 such months); and
- (c) P is the number of whole calendar months in the computation period mentioned in paragraph (b).

(2) Where an employee has been employed by the same employer for one whole calendar month or less immediately before the date of the accident, the employee's AME is computed according to the formula $\frac{D \times W \times 52}{12}$, where —

- (a) D is the employee's average earnings per working day;
- (b) W is the average number of working days of the employee in a week, including any day on which the employee is required to work but the employer has no work for the employee; and
- (c) working day includes any day when the employee —
 - (i) actually worked;
 - (ii) was absent from work with pay granted by the employer; or
 - (iii) was absent from work without prior leave from the employer, reasonable excuse or informing or attempting to inform the employer of the excuse for his or her absence.

(3) The Commissioner may disregard any calendar month or adjust the amount of the earnings of the employee in any period if the Commissioner is of the view

FIRST SCHEDULE — *continued*

that the earnings for that calendar month or period (as the case may be) do not accurately reflect the employee's AME.

(4) A period of employment is taken to be continuous despite the employee's absence from work as mentioned in sub-paragraph (2)(c)(ii) or (iii).

(5) Where the employer knows that the employee is employed under any contract of service by one or more other employers at the time of the accident, the employee's actual earnings include the employee's actual earnings from those other employers during the computation period.

(6) Where reliable evidence of the actual earnings of the employee during the computation period does not exist or cannot be adduced without undue delay or expense, the Commissioner may compute the employee's earnings at the date of the accident having regard to any of the following:

- (a) evidence of the earnings of employees employed on similar work in the same locality at or about the date of the accident;
- (b) a multiple (determined by the Commissioner) of the employee's basic rate of pay (within the meaning given by section 2(1) of the Employment Act 1968) at or about the date of the accident.

[S 744/2020]

SECOND SCHEDULE

Sections 2, 10(1), (2), (3) and (5) and
81

OCCUPATIONAL DISEASES

<i>First column</i>	<i>Second column</i>	<i>Third column</i>
<i>Condition</i>	<i>Nature of occupation</i>	<i>Period</i>
1. Anthrax	Any occupation involving exposure to animals infected with the anthrax spores or bacteria, tissues or products of infected animals, or any material or substance containing the anthrax spores or bacteria.	12 months
2. Asbestosis	Any occupation involving exposure to asbestos fibre.	3 years

SECOND SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>	<i>Third column</i>
<i>Condition</i>	<i>Nature of occupation</i>	<i>Period</i>
3. Barotrauma	Any occupation involving exposure to compressed air.	12 months
4. Byssinosis	Any occupation involving exposure to raw cotton fibre.	12 months
5. Cataracts due to infra-red, ultraviolet or X-ray radiation	Any occupation involving frequent or prolonged exposure to infra-red, ultraviolet or X-ray radiation.	12 months
6. Compressed Air Illness or its sequelae, including dysbaric osteonecrosis	Any occupation involving exposure to compressed air.	12 months
7. Diseases caused by ionising radiation	Any occupation involving exposure to ionising particles from radioisotopes or irradiation apparatus.	12 months
8. Diseases caused by excessive heat	Any occupation involving exposure to excessive heat.	12 months
9. Glanders	Any occupation involving exposure to animals infected with the <i>Burkholderia mallei</i> bacterium, tissues of infected animals, or any material or substance containing the <i>Burkholderia mallei</i> bacterium.	12 months
10. Leptospirosis or its sequelae	Any occupation involving exposure to animals infected or environment contaminated with the <i>Leptospira</i> bacteria, or any	12 months

SECOND SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>	<i>Third column</i>
<i>Condition</i>	<i>Nature of occupation</i>	<i>Period</i>
	material or substance containing the <i>Leptospira</i> bacteria.	
11. Liver Angiosarcoma	Any occupation involving exposure to vinyl chloride monomer or arsenic.	12 months
12. Mesothelioma	Any occupation involving exposure to asbestos fibre.	12 months
13. Musculoskeletal disorders of the upper limb	Any occupation involving exposure to occupational risk factors involving repetitive motion, forceful exertion, awkward postures or vibration, affecting the upper limbs.	12 months
14. Noise-Induced Deafness	Any occupation involving prolonged exposure to excessive noise.	12 months
15. Occupational Asthma	Any occupation involving exposure to any chemical or other agent which is known to irritate or sensitise the respiratory system.	12 months
16. Occupational skin cancers	Any occupation involving exposure to polycyclic hydrocarbons, tar, pitch, bitumen, mineral oil (including paraffin), soot or arsenicals, or any compound, product, or residue of any of these substances, or to ultraviolet radiation.	12 months

SECOND SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>	<i>Third column</i>
<i>Condition</i>	<i>Nature of occupation</i>	<i>Period</i>
17. Occupational skin diseases	Any occupation involving exposure to any skin irritant or sensitiser or any other agent which is known to damage skin.	12 months
18. Poisoning by —	Any occupation involving exposure to —	
(a) Arsenic	arsenic or any of its compounds, or any mixture or solution containing arsenic or any of its compounds;	12 months
(b) Benzene or a homologue of benzene	benzene or any of its homologues, or any mixture or solution containing benzene or any of its homologues;	12 months
(c) Cadmium	cadmium or any of its compounds, or any mixture or solution containing cadmium or any of its compounds;	12 months
(d) Carbamates	carbamate, or any mixture or solution containing any carbamate;	12 months
(e) Carbon disulphide	carbon disulphide or any of its compounds, or any mixture or solution containing carbon disulphide or any of its compounds;	12 months
(f) Carbon dioxide gas	excessive levels of carbon dioxide;	12 months

SECOND SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>	<i>Third column</i>
<i>Condition</i>	<i>Nature of occupation</i>	<i>Period</i>
(g) Carbon monoxide gas	excessive levels of carbon monoxide;	12 months
(h) Cyanide	cyanide, or any mixture or solution containing any cyanide;	12 months
(i) Halogen derivatives of hydrocarbon compounds	any halogen derivative of hydrocarbon compounds or any mixture or solution containing any halogen derivative of hydrocarbon compounds;	12 months
(j) Hydrogen sulphide	hydrogen sulphide;	12 months
(k) Lead	lead, or any of its compounds, or any mixture or solution containing lead or any of its compounds;	12 months
(l) Manganese	manganese or any of its compounds, or any mixture or solution containing manganese or any of its compounds;	12 months
(m) Mercury	mercury or any of its compounds, or any mixture or solution containing mercury or any of its compounds;	12 months
(n) Oxides of nitrogen	excessive levels of oxides of nitrogen;	12 months
(o) Organophosphates	organophosphates; or	12 months
(p) Phosphorus	phosphorus or any of its compounds, or any mixture or solution containing phosphorus.	12 months

SECOND SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>	<i>Third column</i>
<i>Condition</i>	<i>Nature of occupation</i>	<i>Period</i>
19. Silicosis	Any occupation involving exposure to silica dust.	3 years
20. Toxic hepatitis	Any process involving exposure to tetrachloroethane, nitro-derivatives or amino-derivatives of benzene or vinyl chloride monomer.	12 months
21. Tuberculosis	Any occupation involving —	
	(a) close and frequent contact with a source of tuberculosis infection, e.g. in the medical treatment or nursing of a person or persons suffering from tuberculosis, or in a service ancillary to such treatment or nursing; or	12 months
	(b) exposure to any material which is a source of tuberculosis infection, e.g. in a laboratory.	12 months
22. Ulceration of the corneal surface of the eye	Any occupation involving exposure to tar, pitch, bitumen, mineral oil (including paraffin), soot or any compound, product, or residue of any of these substances.	12 months

THIRD SCHEDULE

Sections 3(1) and 81

CLASSES OF INDIVIDUALS NOT COVERED

1. Any member of the Singapore Armed Forces.
2. Any officer of the Singapore Police Force, the Singapore Civil Defence Force, the Central Narcotics Bureau or the Singapore Prisons Service.
3. A domestic worker, being an individual employed in or in connection with the domestic services of any private premises.

FOURTH SCHEDULE

Sections 4(2) and 81, and
paragraph 3(1) of First Schedule

INJURIES DEEMED TO RESULT IN PERMANENT INCAPACITY

<i>Injury</i>	<i>Percentage of loss of earning capacity</i>
1. Loss of 2 limbs	100
2. Loss of both hands or of all fingers and both thumbs	100
3. Loss of both feet	100
4. Total loss of sight, including the loss of sight to such extent as to render the employee unable to perform any work for which eyesight is essential	100
5. Total paralysis	100
6. Injuries resulting in being permanently bedridden	100
7. Any other injury causing permanent total incapacity	100
8. Loss of arm at shoulder	75
9. Loss of arm between elbow and shoulder	75
10. Loss of arm at elbow	75
11. Loss of arm between wrist and elbow	70
12. Loss of hand at wrist	70
13. Loss of 4 fingers and thumb of one hand	70

FOURTH SCHEDULE — *continued*

<i>Injury</i>	<i>Percentage of loss of earning capacity</i>
14. Loss of 4 fingers	60
15. Loss of thumb —	
(a) both phalanges	30
(b) one phalanx	20
16. Loss of index finger —	
(a) 3 phalanges	14
(b) 2 phalanges	11
(c) one phalanx	9
17. Loss of middle finger —	
(a) 3 phalanges	12
(b) 2 phalanges	9
(c) one phalanx	7
18. Loss of ring finger —	
(a) 3 phalanges	7
(b) 2 phalanges	6
(c) one phalanx	5
19. Loss of little finger —	
(a) 3 phalanges	7
(b) 2 phalanges	6
(c) one phalanx	5
20. Loss of metacarpals —	
(a) first or second (<i>additional</i>)	8
(b) third, fourth or fifth (<i>additional</i>)	3
21. Loss of leg —	
(a) at or above knee	75
(b) below knee	65
22. Loss of foot	55

FOURTH SCHEDULE — *continued*

<i>Injury</i>	<i>Percentage of loss of earning capacity</i>
23. Loss of toes —	
(a) all of one foot	20
(b) great, both phalanges	14
(c) great, one phalanx	3
(d) other than great, if more than one toe lost, each	3
24. Loss of sight of one eye	50
25. Loss of hearing, one ear	30
26. Total loss of hearing	60

Note:

1. Total permanent loss of the use of a member is to be treated as loss of that member.
2. Where there is loss of 2 or more parts of the hand, the percentage is not to be more than the loss of the whole hand.
3. Loss of remaining arm, leg or eye if one has already been lost, is to be the difference between the compensation for the total incapacity, and compensation already paid or that which would have been paid for the previous loss of limb or eye.

LEGISLATIVE HISTORY
WORK INJURY
COMPENSATION ACT 2019

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

1. Act 27 of 2019 — Work Injury Compensation Act 2019

Date of First Reading	:	5 August 2019 (Bill No. 21/2019 published on 5 August 2019)
Date of Second and Third Readings	:	3 September 2019
Date of commencement	:	1 September 2020 1 January 2021

**2. G. N. No. S 744/2020 — Work Injury Compensation Act 2019
(Amendment of First Schedule) Order 2020**

Date of commencement	:	1 September 2020
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3. Act 40 of 2019 — Supreme Court of Judicature (Amendment) Act 2019

Date of First Reading	:	7 October 2019 (Bill No. 32/2019)
Date of Second and Third Readings	:	5 November 2019
Date of commencement	:	2 January 2021

4. Act 4 of 2021 — Statute Law Reform Act 2021

Date of First Reading	:	3 November 2020 (Bill No. 45/2020)
Date of Second and Third Readings	:	5 January 2021
Date of commencement	:	1 March 2021

**5. 2020 Revised Edition — Work Injury
Compensation Act 2019**

Operation	:	31 December 2021
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**6. G.N. No. S 26/2022 — Variable Capital Companies (Consequential
Amendments to Other Acts) Order 2022**

Commencement	:	13 January 2022
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Abbreviations

C.P.	Council Paper
G.N. No. S (N.S.)	Government Notification Number Singapore (New Series)
G.N. No.	Government Notification Number
G.N. No. S	Government Notification Number Singapore
G.N. Sp. No. S	Government Notification Special Number Singapore
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian Subsidiary Legislation)
M. Act	Malayan Act/Malaysia Act
M. Ordinance	Malayan Ordinance
Parl.	Parliament
S.S.G.G. (E) No.	Straits Settlements Government Gazette (Extraordinary) Number
S.S.G.G. No.	Straits Settlements Government Gazette Number

COMPARATIVE TABLE
WORK INJURY
COMPENSATION ACT 2019

This Act has undergone renumbering in the 2020 Revised Edition. This Comparative Table is provided to help readers locate the corresponding provisions in the last Revised Edition.

2020 Ed.	Act 27 of 2019
<i>[Omitted as having had effect]</i>	83 —(1)
<i>[Omitted as having had effect]</i>	(2)
<i>[Omitted as having had effect]</i>	(3)
<i>[Omitted as having had effect]</i>	(4)
<i>[Omitted as having had effect]</i>	(5)
<i>[Omitted as having had effect]</i>	(6)
<i>[Omitted as having had effect]</i>	(7)
<i>[Omitted as having had effect]</i>	(8)
<i>[Omitted as having had effect]</i>	(9)
83	84
<i>[Omitted as having had effect]</i>	(1)
(1)	(2)
(2)	(3)
<i>[Omitted as spent]</i>	(4)
(3)	(5)
(4)	(6)