

**WHAT CONSTITUTES "SERIOUS AND PERMANENT
DISABLEMENT."**

The recent English case of *Hopwood v. Olive and Partington, Limited*, 102 L.T. Rep. 790, is one of the very few cases, if not the only one, that has come before the court on the question as to what amounts to "serious and permanent disablement" within the meaning of the Workmen's Compensation Act, sub-s. 2(c). This statute relieves an employer from liability to pay compensation to a workman who is injured by accident arising out of and in the course of his employment, if the injury is attributable to his "serious and wilful misconduct, . . . unless the injury results in death or serious and permanent disablement."

In the case referred to the workman was a lad employed at certain paper mills. His work was to catch the paper as it came off the cutting machine, and at the end of the week to clean the machine. On one occasion he started, in breach of his employers' regulations, to perform that latter duty while the machine was still running, with the result that his right hand was caught in a cogwheel, and his first and third fingers were cut off at the top joint. The County Court judge had no course open but to find that the workman had been guilty of "serious and wilful misconduct." His Honour held, however, that the injury which the workman had sustained amounted to "serious and permanent disablement" within the meaning of the sub-section. He accordingly gave effect to the exception in favour of the workman, and awarded him compensation. That the disablement, if it was "disablement" at all, was "permanent," there was no gainsaying. But whether it was "serious" enough to satisfy the sub-section was another consideration. The Court of Appeal, adopting the view taken by the County Court judge, declared that it was. "The workman," said the Master of the Rolls (Cozens-Hardy), "may be disabled in the labour market from being employed in innumerable occupations which otherwise would possibly have been open to him. This renders it a serious disablement, and it is not one of a temporary character." Lord Justice Buckley gave it as his opinion that "disablement" meant