

P.

R by 24-60

Aff by 20-65 (Sec O-1960 (ibi))

CHAPTER 22. No. 14.

WORKMEN'S COMPENSATION.

Ordinances
Ch. 22. No. 12
-1940.
No. 12-1945.
„ 23-1948.

AN ORDINANCE TO PROVIDE FOR THE PAYMENT OF COMPENSATION TO WORKMEN FOR INJURIES SUFFERED IN THE COURSE OF THEIR EMPLOYMENT.

Commence-
ment.

[1st January, 1927.]

Short title.

1. This Ordinance may be cited as the Workmen's Compensation Ordinance.

Preliminary.

Interpre-
tation.

Ord. 12-1945,
s. 2

2. (1) In this Ordinance—

“adult” and “minor” mean respectively a person who is not and a person who is under the age of seventeen years;

“Commissioner” means a Commissioner for Workmen's Compensation;

“compensation” means compensation as provided for by this Ordinance;

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

person shall not be deemed to be a partial dependant of a workman unless he was dependent partially on contributions from the workman for the provision of the ordinary necessities of life suitable for persons in his class and position;

“ employer ” includes His Majesty in His Government of the Colony and any body of persons whether incorporated or not and any managing agent of an employer and the legal representative of a deceased employer, and where the services of a workman are temporarily lent or let on hire to another person by the person with whom the workman has entered into a contract of service or apprenticeship, the latter shall for the purposes of this Ordinance, be deemed to continue to be the employer of the workman whilst he is working for that other person:

In relation to a person engaged in plying for hire with any vehicle, the use of which is obtained from the owner thereof under a contract of bailment (other than a hire purchase agreement), the owner of the vehicle shall be deemed to be the employer:

In relation to a person engaged in plying for hire with any vehicle or vessel, the use of which is obtained by that person under a contract of bailment (other than a hire purchase agreement) the person from whom the use of the vehicle or vessel, is so obtained shall be deemed to be the employer;

“ managing agent ” means any person appointed or acting as the representative of another person for the purpose of carrying on such other person's trade or business, but does not include an individual manager subordinate to an employer;

“ medical referee ” means a medical practitioner appointed by the Governor as a medical referee for the purposes of this Ordinance;

“ member of a family ” means wife or husband, father, mother, grandfather, grandmother, step-father, step-mother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother, half-sister;

“ out worker ” means a person to whom articles or

materials are given out to be made up, cleaned, washed, altered, ornamented, finished, or repaired, or adapted for sale in his own home or on other premises not under the control or management of the person who gave out the materials or articles;

“partial disablement” means, where the disablement is of a temporary nature, such disablement as reduces the earning capacity of a workman in any employment in which he was engaged at the time of the accident resulting in the disablement, and, where the disablement is of a permanent nature, such disablement as reduces his earning capacity in every employment which he was capable of undertaking at that time: Provided that every injury specified in the Schedule hereto shall be deemed to result in permanent partial disablement;

“qualified medical practitioner” means a member of the Medical Board of Trinidad;

“Registrar” means the Registrar of the Supreme Court, which expression shall include the Deputy Registrar and Sub-Registrars of San Fernando and Tobago;

“total disablement” means such disablement, whether of a temporary or permanent nature, as incapacitates a workman for all work which he was capable of performing at the time of the accident resulting in such disablement: Provided that permanent total disablement shall be deemed to result from the permanent total loss of the sight of both eyes or from any combination of injuries specified in the Schedule hereto where the aggregate percentage of the loss of earning capacity, as specified in that Schedule against those injuries, amounts to one hundred per cent.;

“wages” includes any privilege or benefit which is capable of being estimated in money, other than a travelling allowance or the value of any travelling concession or a contribution paid by the employer of a workman towards any pension or provident fund or a sum paid to a workman to cover any special expenses entailed on him by the nature of his employment;

“workman” means any person who has entered

into or works under a contract of service or apprenticeship with an employer, whether the contract was made before or after the commencement of this Ordinance and whether such contract is expressed or implied, is oral or in writing; and also includes a person engaged in plying for hire with any vehicle or vessel, the use of which is obtained by that person under any contract of bailment (other than a hire-purchase agreement) in consideration of the payment of a fixed sum or a share in the earnings or otherwise: Provided that the following persons shall not be regarded as workmen for the purposes of this Ordinance—

(i) persons employed otherwise than by way of manual labour whose remuneration exceeds twelve hundred dollars a year; or

(ii) persons whose employment is of a casual nature and who are employed otherwise than for the purposes of the employer's trade or business, not being persons employed for the purposes of any game or recreation and engaged or paid through a club; or

(iii) out workers; or

(iv) members of the employer's family dwelling in his house; or

(v) persons in the naval or military or air service of the Crown and persons in the civil employment of His Majesty otherwise than in His Government of the Colony; or

(vi) members of the Police Force and members of any police organisation constituted by law who have the general powers of members of the Police Force and in respect of whom provision exists in any law for the payment of a gratuity or pension in case of injury or death; or

(vii) domestic servants employed in a private dwelling house; or

(viii) persons employed (otherwise than in connection with any engine or machine worked by mechanical power) on an agricultural holding not exceeding 30 acres.

(2) Any reference to a workman who has been injured

shall, where the workman is dead, include a reference to his legal personal representative or to his dependants or other person to whom or for whose benefit compensation is payable.

(3) The exercise and performance of the powers and duties of a local or other public authority or of any department of the Government shall, for the purposes of this Ordinance, unless a contrary intention appears, be deemed to be the trade or business of such authority or department.

(4) If on any proceedings for the recovery of compensation under this Ordinance it appears to the Commissioner by whom the claim to compensation is to be settled that the contract of service or apprenticeship under which the injured person was working at the time when the accident causing the injury happened was illegal, he may, if having regard to all the circumstances of the case he thinks proper so to do, deal with the matter as if the injured person had at the time aforesaid been a person working under a valid contract of service or apprenticeship.

3. (1) The Governor in Council may appoint any member of the Medical Board of Trinidad to be a medical referee for the purposes of this Ordinance and may revoke any such appointment at any time.

(2) Any appointment made under the preceding subsection, or any revocation of any such appointment, shall take effect on the date of its publication in the *Royal Gazette*.

(3) The remuneration of, and other expenses incurred by, medical referees under this Ordinance shall, subject to regulations made under this Ordinance and except so far as they are defrayed by fees received from the parties under this Ordinance, be paid out of moneys provided by the Legislative Council.

(4) Where a medical referee has been employed as a medical practitioner in connection with any case by or on behalf of an employer or workman or by any insurers interested, he shall not act as medical referee in that case.

(5) The number of medical referees appointed by the Governor in Council shall be at least six at any time:

Appoint-
ment and
remunera-
tion of
medical
referees.

Ord 12-1945,
s. 3.

Provided that the reduction, below six, of the number of medical referees shall not invalidate any reference to, or any certificate given by, a medical referee.

Compensation.

4. (1) If in any employment personal injury by accident arising out of and in the course of the employment is caused to a workman, his employer shall, subject as hereinafter mentioned, be liable to pay compensation in accordance with the provisions hereinafter contained: Provided that—

Employer's liability for compensation.
Ord.12-1945,
s. 4.

(a) the employer shall not be liable under this Ordinance in respect of any injury which does not disable the workman for a period of at least three days from earning full wages at the work at which he was employed;

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

For the purposes of this Ordinance, an accident resulting in the death or serious and permanent disablement of a workman shall be deemed to arise out of and in the course of his employment, notwithstanding that the workman was at the time when the accident happened acting in contravention of any statutory or other regulation applicable to his employment, or of any orders given by or on behalf of his employer, or that he was acting without instructions from his employer, if such act was done by the workman for the purposes of and in connection with his employer's trade or business.

(2) No compensation shall be payable to a workman in respect of any disease unless the disease is solely and directly attributable to a specific injury by accident arising out of and in the course of his employment.

Disease.

(3) When the injury was caused by the personal negligence or wilful act of the employer or of some person for whose act or default the employer is responsible, nothing in this Ordinance shall affect any civil liability of the employer, but in that case the workman may, at his option, either claim compensation under this Ordinance or take

Liability for negligence.

proceedings independently of this Ordinance; but the employer shall not be liable to pay compensation for injury to a workman by accident arising out of and in the course of his employment both independently of and also under this Ordinance, and shall not be liable to any proceedings independently of this Ordinance, except in case of such personal negligence or wilful act as aforesaid.

Independent
action.

(4) If, within the time hereinafter in this Ordinance limited for taking proceedings, an action is brought to recover damages independently of this Ordinance for injury caused by an accident, and it is determined in such action or on appeal that the injury is one for which the employer is not liable in such action, but that he would have been liable to pay compensation under the provisions of this Ordinance, the action shall be dismissed; but the court in which the action is tried, or, if the determination is the determination on an appeal (by either party) by an appellate tribunal, that tribunal shall, if the plaintiff so choose, proceed to assess such compensation, but may deduct from such compensation all or part of the costs which, in its judgment, have been caused by the plaintiff bringing the action instead of proceeding under this Ordinance. In any proceeding under this subsection, when the court or appellate tribunal assesses the compensation, it shall give a certificate of the compensation it has awarded and the directions it has given as to the deduction of costs, and such certificate shall have the force and effect of and shall be registered as an agreement under this Ordinance:

Provided that an appellate tribunal may, instead of itself assessing such compensation, remit the case to a Commissioner for the assessment of the compensation, and in such case may order the Commissioner to deduct from the amount of compensation assessed by him all or part of such costs as aforesaid.

Amount of
compensa-
tion.
Ch.22. No.12
-1940, s. 4.
Death.

5. (1) Subject to the provisions of this Ordinance, the amount of compensation shall be as follows, namely—

(a) where death results from the injury, a lump sum of an amount calculated as follows:

Ord. 12
-1945, s. 5.

(i) if the workman leaves any dependants wholly dependent on his wages, the lump sum

shall be a sum equal to thirty months wages or one thousand eight hundred dollars, which ever is less;

(ii) if the workman does not leave any dependants wholly dependent on his wages, but leaves any dependants in part so dependent, the lump sum shall be such sum not exceeding in any case the amount payable under the last preceding sub-paragraph as may be agreed upon or, in default of agreement, may be determined by the Commissioner, to be reasonable and proportionate to the injury to the said dependants;

(b) where permanent total disability results from the injury— Permanent total disablement.

(i) in the case of an adult, a sum equal to forty-two months wages or two thousand five hundred and twenty dollars, whichever is less; and

(ii) in the case of a minor, a sum equal to eighty-four months wages or two thousand five hundred and twenty dollars, whichever is less;

(c) where permanent partial disablement results from the injury— Permanent partial disablement.

(i) in the case of an injury specified in the Schedule hereto, such percentage of the compensation which would have been payable in the case of permanent total disablement as is specified therein as being the percentage of the loss of earning capacity caused by that injury, and

(ii) in the case of an injury not specified in the Schedule hereto, such percentage of the compensation payable in the case of permanent total disablement as is proportionate to the loss of earning capacity permanently caused by the injury:

where more injuries than one are caused by the same accident, the amount of compensation payable under this head shall be aggregated, but not so in any case as to exceed the amount which would have been payable if permanent total disablement had resulted from the injuries;

Temporary
disablement.

(d) where temporary disablement, whether total or partial, results from the injury, a half-monthly payment payable on the sixteenth day from the date of the disablement, and thereafter half-monthly during the disablement or during a period of five years, whichever period is shorter—

(i) in the case of an adult, of a sum equal to one-fourth of his monthly wages, and

(ii) in the case of a minor, of a sum equal to one-third or, after he has attained the age of seventeen years, to one-half of his monthly wages:

Provided that there shall be deducted from any lump sum or half-monthly payments to which the workman is entitled the amount of any payment or allowance which the workman has received from the employer by way of compensation during the period of disablement prior to the receipt of such lump sum or of the first half-monthly payment, as the case may be, and no half-monthly payments shall in any case exceed the amount, if any, by which half the amount of the monthly wages of the workman before the accident exceeds half the amount of such wages as he is earning or is able to earn in some suitable employment or business after the accident.

(2) On the ceasing of the disablement before the date on which any half-monthly payment falls due, there shall be payable in respect of that half-month a sum proportionate to the duration of the disablement in that half-month.

Method of
calculating
wages.
Ord.12-1945,
s. 6.

6. (1) In this Ordinance and for the purposes thereof the expression "monthly wages" means the amount of wages deemed to be payable for a month's service (whether the wages are payable by the month or by whatever period or at piece rates), and calculated in accordance with the following rules:—

(a) Where the workman has, during a continuous period of not less than twelve months immediately preceding the accident, been in the service of the employer who is liable to pay compensation, the monthly wages of the workman shall be one-twelfth of the total wages which have fallen due for payment

to him by the employer in the last twelve months of that period.

(b) In other cases, the monthly wages shall be thirty times the total wages earned in respect of the last continuous period of service immediately preceding the accident from the employer who is liable to pay compensation divided by the number of days comprising such period: Provided that where by reason of the shortness of the time during which the workman has been in the employment of such employer or the casual nature of the employment, or the terms of the employment, it is impracticable at the date of the accident to compute a rate of remuneration which would be representative of the workman's average monthly earnings, regard may be had to the average monthly amount which, during the twelve months previous to the accident, was being earned by a person in the same category employed at the same work by the same employer, or, if there is no person so employed, by a person in the same category employed in the same class of employment and in the same district.

(c) Employment by the same employer shall be taken to mean employment by the same employer in the category in which the workman was employed at the time of the accident, uninterrupted by absence from work due to illness or any other unavoidable cause.

(2) If the amount of the monthly wages arrived at by a calculation in accordance with the provisions of this section exceeds ninety dollars, such monthly wages shall be deemed to be ninety dollars.

(3) A period of service shall, for the purposes of this section, be deemed to be continuous which has not been interrupted by a period of absence from work exceeding fourteen days.

(4) Upon request of the workman to the employer liable to pay compensation, that employer shall furnish in writing a list of the wages of that workman upon which the amount of the monthly wages may be calculated for the purpose of determining the amount of any payment under this Ordinance.

Review.

Ch.22. No.12
-1940, s. 6.

7. (1) Any half-monthly payment payable under this Ordinance either under an agreement between the parties or under the order of a Commissioner, may be reviewed by the Commissioner on the application either of the employer or of the workman accompanied by the certificate of a qualified medical practitioner that there has been a change in the condition of the workman or, subject to regulations made under this Ordinance, on application made without such certificate.

(2) Any half-monthly payment may, on review under this section, subject to the provisions of this Ordinance, be continued, increased, decreased or ended, or, if the accident is found to have resulted in permanent disablement, be converted to the lump sum to which the workman is entitled less any amount which he has already received by way of half-monthly payments.

Payment of
lump sum in
lieu of
half-monthly
payments.
Ch.22. No.12
-1940, s. 7.

8. Any right to receive half-monthly payments may, by agreement between the parties or, if the parties cannot agree and the payments have been continued for not less than six months, on the application of either party to the Commissioner, be redeemed by the payment of a lump sum of such amount as may be agreed to by the parties or determined by the Commissioner, as the case may be.

Distribution
of compensa-
tion.
Ch.22. No.12
-1940, s. 8.
On death.

9. (1) Compensation payable where the death of a workman has resulted from an injury shall be deposited with the Registrar, and any sum so deposited shall be apportioned among the dependants of the deceased workman or any of them in such proportion as the Commissioner thinks fit, or may, in the discretion of the Commissioner, be allotted to any one such dependant, and the sum so allotted to any dependant shall be paid to him or be invested, applied or otherwise dealt with for his benefit in such manner as the Commissioner thinks fit.

Lump sums.

(2) Compensation payable where permanent disablement has resulted from an injury and lump sums payable under the provisions of the preceding section where temporary disablement has resulted from an injury shall be deposited with the Registrar, and any sum so deposited shall be paid to the person entitled thereto or be invested, applied

or otherwise dealt with for his benefit in such manner as the Commissioner thinks fit.

(3) Any other compensation payable under this Ordinance may be deposited with the Registrar and when so deposited, shall be paid by the Registrar to the person entitled thereto. Other cases.

(4) The receipt of the Registrar shall be a sufficient discharge in respect of any amount deposited with him under the provisions of this Ordinance. Receipt of Registrar.

(5) On the deposit of any money under subsection (1) the Registrar may deduct therefrom the actual cost of the workman's funeral expenses, to an amount not exceeding thirty-eight dollars and forty cents, and pay the same to the person by whom such expenses were incurred, and shall if he thinks necessary, cause notice to be published or to be served on each dependant in such manner as he thinks fit, calling upon the dependants to appear before the Commissioner on such date as he may fix for determining the distribution of the compensation. If the Commissioner is satisfied, after any inquiry which he may deem necessary, that no dependant exists, he shall direct the Registrar to repay the balance of the money to the employer by whom it was paid. The Registrar shall, on application by the employer, furnish a statement showing in detail all disbursements made. Notice to dependants.

(6) Where a half-monthly payment is payable under this Ordinance to a workman under any legal disability, the Commissioner may, of his own motion or on application made to him in this behalf, order that the half-monthly payment be paid during the disability to any dependant of the workman or to any other person whom he thinks best fitted to provide for the welfare of the workman. Workman under disability.

(7) Where, on application made to him in this behalf or otherwise, the Commissioner is satisfied that, on account of neglect of children on the part of a parent, or on account of the variation of the circumstances of any dependant, or for any other sufficient cause, an order of the Commissioner as to the distribution of any sum paid as compensation or as to the manner in which any sum payable to any such dependant is to be invested, applied or otherwise dealt with, ought to be varied, the Commissioner may make such Variation of order.

order for the variation of the former order as he thinks just in the circumstances of the case:

Provided that no such order prejudicial to any person shall be made unless such person has been given an opportunity of showing cause why the order should not be made, or shall be made in any case in which it would involve the repayment by a dependant of any sum already paid to him.

Deductions
for costs.

(8) The solicitor or agent of a person claiming compensation under this Ordinance shall not be entitled to recover from him any costs in respect of such claim or to claim a lien in respect of such costs, on, or deduct such costs from, the sum awarded or agreed as compensation, except such sum as may be awarded by a Commissioner, subject to regulations made under this Ordinance, on an application made either by the person claiming compensation, or by his solicitor or agent, to determine the amount of the costs to be paid to the solicitor or agent.

Compensa-
tion not to
be assigned,
attached or
charged.
Ch.22. No.12
-1940, s. 9.

10. Save as provided by this Ordinance, no lump sum or half-monthly payment payable under this Ordinance shall be capable of being assigned, charged or attached or shall pass to any person other than the workman by operation of law, nor shall any claim be set off against the same.

Notice and
claim.
Ch.22. No.12
-1940, s. 10.

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

Provided that—

(a) the want of or any defect or inaccuracy in such notice shall not be a bar to the maintenance of such proceedings if the employer is proved to have had knowledge of the accident from any other source at or about the time of the accident, or if it is found in the

proceedings for settling the claim that the employer is not, or would not, if a notice or an amended notice were then given and the hearing postponed, be prejudiced in his defence by the want, defect or inaccuracy, or that such want, defect or inaccuracy, was occasioned by mistake, absence from the Colony, or other reasonable cause; and

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

(2) Notice in respect of an injury under this Ordinance may be given either in writing or orally to the employer (or if there is more than one employer to one of such employers) or to any foreman or other official under whose supervision the workman is employed or to any person designated for the purpose by the employer, and shall give the name and address of the person injured, and shall state in ordinary language the cause of the injury and the date at which the accident happened.

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

(4) Where the employer is a body of persons, corporate or unincorporate, the notice, if in writing, may also be given by delivering it or by sending it by post in a registered letter addressed to the employer at the office, or, if there be more than one office, any one of the offices, of such body.

12. (1) Where a workman has given notice of an accident or where an accident has occurred in respect of which the necessity of giving notice under this Ordinance is dispensed with, a workman shall, if the employer offers to have him examined free of charge by a qualified medical practitioner, submit himself for such examination, and any workman who is in receipt of a half-monthly payment under this Ordinance shall, if so required, submit himself for such examination from time to time:

Medical
examination.
Ch.22. No.12
-1940, s. 11.

Provided that a workman shall not be required to submit himself for examination by a medical practitioner otherwise than in accordance with regulations made under this Ordinance, or at more frequent intervals than may be prescribed.

Refusal to be examined.

(2) If a workman, on being required to do so by the employer under subsection (1) or by the Commissioner at any time, refuses to submit himself for examination by a qualified medical practitioner or in any way obstructs the same, his right to compensation shall be suspended during the continuance of such refusal or obstruction unless, in the case of refusal, he was prevented by any sufficient cause from so submitting himself.

Leaving vicinity prior to examination.

(3) If a workman, before the expiry of three days from the time at which service of notice of an accident has been effected or, where an accident occurs in respect of which the necessity of giving notice under this Ordinance is dispensed with, before the expiry of three days from the date of such accident voluntarily and without due cause leaves the vicinity of the place in which he was employed without having been examined by a qualified medical practitioner, his right to compensation shall be suspended until he returns and offers himself for such examination.

Death prior to examination.

(4) Where a workman, whose right to compensation has been suspended under subsection (2) or subsection (3) dies without having submitted himself for medical examination as required by either of those subsections, the Commissioner may, if he thinks fit, direct the payment of compensation to the dependants of the deceased workman.

Compensation not payable during period of suspension.

(5) Where under subsection (2) or subsection (3) a right to compensation is suspended, no compensation shall be payable in respect of the period of suspension.

Measure of compensation on refusal to be examined or disregard of medical advice.

(6) Where an injured workman has refused to be attended by a qualified medical practitioner whose services have been offered to him by the employer free of charge or having accepted such offer has deliberately disregarded the instructions of such medical practitioner, then if it is thereafter proved that the workman has not been regularly attended by a qualified medical practitioner and that such refusal, failure or disregard was unreasonable in the circumstances of the case and that the injury has been

aggravated thereby, the injury and resulting disablement shall be deemed to be of the same nature and duration as they might reasonably have been expected to be if the workman had been regularly attended by a qualified medical practitioner, and compensation, if any, shall be payable accordingly.

13. (1) Where a workman has submitted himself for examination by a medical practitioner, or has been examined by a medical practitioner selected by himself, and the employer or the workman, as the case may be, has within six days after such examination furnished the other with a copy of the report of that practitioner as to the workman's condition, then, in the event of no agreement being come to between the employer and the workman as to the workman's condition or fitness for employment, the Registrar, on application being made to him by both parties, or, subject to appeal to the Commissioner, by one of the parties, may refer the matter to a medical referee: Provided that where the application is made by only one of the parties, the Registrar, or on appeal the Commissioner, if he is of opinion that, owing to the exceptional difficulty of the case or for any other sufficient reason, the matter ought to be settled in default of agreement by the Commissioner, shall refuse to allow the reference.

Application
for reference
to medical
referee.
Ord.12-1945,
s. 7.

(2) In the case of an application made by both parties under the provisions of the preceding subsection, the Registrar shall refer the matter to a medical referee chosen by both parties but, if such parties cannot agree on the choice of a medical referee within such time as may be fixed by the Registrar, the Registrar shall refer the matter to a medical referee chosen by him.

(3) The medical referee to whom the matter is so referred shall, in accordance with regulations made under this Ordinance, give a certificate as to the condition of the workman and his fitness for employment, specifying, where necessary, the kind of employment for which he is fit, and that certificate shall be conclusive evidence as to the matters so certified.

(4) Where no agreement can be come to between the employer and the workman as to whether or to what extent

the incapacity of the workman is due to the accident, the provisions of this section shall, subject to any regulations made under this Ordinance, apply as if the question were a question as to the condition of the workman.

(5) If a workman, on being required so to do, refuses to submit himself for examination by a medical referee to whom the matter has been so referred as aforesaid, or in any way obstructed the same, his right to compensation and to take or prosecute any proceeding under this Ordinance in relation to compensation, or, in the case of a workman in receipt of a half-monthly payment under this Ordinance, his right to that half-monthly payment, shall be suspended until such examination has taken place.

Employment
by contrac-
tors.
Ch.22. No.12
-1940, s. 12.

14. (1) Where any person (in this section referred to as the principal) in the course of or for the purposes of his trade or business, contracts with any other person (in this section referred to as the contractor) for the execution by or under the contractor of the whole or any part of any work undertaken by the principal, the principal shall be liable to pay to any workman employed in the execution of the work any compensation under this Ordinance which he would have been liable to pay if that workman had been immediately employed by him; and where compensation is claimed from or proceedings are taken against the principal, then in the application of this Ordinance references to the principal shall be substituted for references to the employer, except that the amount of compensation shall be calculated with reference to the earnings of the workman under the employer by whom he is immediately employed.

Indemnity.

(2) Where the principal is liable to pay compensation under this section, he shall be entitled to be indemnified by any person who would have been liable to pay compensation to the workman independently of this section, and all questions as to the right to and the amount of any such indemnity shall, in default of agreement, be settled by the Commissioner.

Contractor.

(3) Nothing in this section shall be construed as preventing a workman recovering compensation under this Ordinance from the contractor instead of the principal.

(4) This section shall not apply in any case where the accident occurred elsewhere than on, or in, or about premises on which the principal has undertaken to execute the work or which are otherwise under his control or management.

Control of principal.

15. Where the injury for which compensation is payable under this Ordinance was caused under circumstances creating a legal liability in some person other than the employer to pay damages in respect thereof—

Remedies both against employer and stranger. Ch.22. No.12 -1940, s. 13.

(a) the workman may take proceedings both against that person to recover damages and against any person liable to pay compensation under this Ordinance for such compensation, but shall not be entitled to recover both damages and compensation; and

Recovery of damages a bar.

(b) if the workman has recovered compensation under this Ordinance, the person by whom the compensation was paid, and any person who has been called on to pay an indemnity under section 14 shall be entitled to be indemnified by the person so liable to pay damages as aforesaid, and all questions as to the right to and amount of any such indemnity shall, in default of agreement, be settled by action or, by consent of the parties, by a Commissioner.

Indemnity by third party.

16. (1) Where any employer has entered into a contract with any insurers in respect of any liability under this Ordinance to any workman, then in the event of the employer becoming bankrupt or making a composition or arrangement with his creditors or, if the employer is a company, in the event of the company having commenced to be wound up or a receiver or manager of the company's business or undertaking having been duly appointed, or possession having been taken, by or on behalf of the holders of debentures secured by a floating charge, of any property comprised in or subject to the charge, the rights of the employer against the insurers as respects that liability shall, notwithstanding anything in the enactments relating to bankruptcy and the winding up of companies, be transferred to and vest in the workman, and upon any such transfer the insurers shall have the same rights and remedies and be subject to the same liabilities as if they were the

Bankruptcy of employer. Ch.22. No.12 -1940, s. 14.

employer, so, however, that the insurers shall not be under any greater liability to the workman than they would have been under to the employer.

Proof in
bankruptcy.

(2) If the liability of the insurers to the workman is less than the liability of the employer to the workman the workman may prove for the balance in the bankruptcy or liquidation, or, as the case may be, he may recover the balance from the receiver or manager.

Priority.

(3) There shall be included amongst the debts which under section 37 of the Bankruptcy Ordinance are, in the distribution of the property or assets of a bankrupt, to be paid in priority to all other debts, the amount due in respect of any compensation or liability for compensation accrued before the date of the receiving order. Where the compensation is a half-monthly payment, the amount due in respect thereof shall, for the purposes of this provision, be taken to be the amount of the lump sum for which the half-monthly payment could, if redeemable, be redeemed if the employer made an application for that purpose under this Ordinance, and a certificate of the Commissioner as to the amount of such sum shall be conclusive proof thereof.

No priority
if insured.

(4) The provisions of this section with respect to preferences and priorities shall not apply where the bankrupt has entered into such a contract with insurers as aforesaid.

Returns as
to compensa-
tion.

Ch.22. No.12
-1940, s. 15.

17. The Governor may by notification in the *Royal Gazette*, direct that every person employing workmen, or that any specified class of such persons, shall send at such time and in such form and to such person, as may be specified in the notification, a correct return specifying the number of injuries in respect of which compensation has been paid by the employer during the previous year and the amount of such compensation, together with such other particulars as to the compensation as the Governor may direct. Any person failing to comply with the provisions of this section shall be liable, on summary conviction, to a fine of twenty-four dollars.

Contracting
out.

Ch.22. No.12
-1940, s. 16.

18. Any contract or agreement, whether made before or after the commencement of this Ordinance, whereby a

workman relinquishes any right of compensation from the employer for personal injury arising out of or in the course of his employment, shall be null and void in so far as it purports to remove or reduce the liability of any person to pay compensation under this Ordinance.

19. (1) This Ordinance shall apply to workmen employed by or under the Crown in the same way and to the same extent as if the employer were a private person, except in the case of persons in the naval or military or air service of the Crown and persons in the civil employment of His Majesty otherwise than in His Government of the Colony.

Workmen
in employ-
ment of
Crown.
Ord.12-1945,
s. 8.

(2) The provisions of this section shall not apply in the case of a workman in, or selected for appointment to, the service of the Government of the Colony, before the 1st of December, 1938, where, in consequence of injury received by any such workman in the discharge of his duties, a pension or gratuity which would not be payable if such injury were received otherwise, is paid to him, or in the case of his death, to any of his dependants as defined in this Ordinance, under any Ordinance or regulations providing for the grant of such pension or gratuity, and in any such case the provisions of section 17 of the Workmen's Compensation Ordinance in force immediately prior to the date aforesaid shall be deemed to be still in force and to have effect.

Saving
clause.

20. The provisions contained in the last preceding section shall *mutatis mutandis* apply in respect of a workman in the employment of any public or local authority where provision exists by law or by bye-law or regulation made under a law for the grant of a pension or gratuity to such workman in the case of injury received by him in the discharge of his duties, or to any other person in the event of the workman's death resulting from that injury.

Workmen in
employment
of local
authorities.
Ch.22. No.12
-1940, s. 18.

Commissioners.

21. (1) If any question arises in any proceedings under this Ordinance as to the liability of any person to pay compensation (including any question as to whether a

Reference to
Commis-
sioners.
Ch.22. No.12
-1940, s. 19.

person injured is or is not a workman) or as to the amount or duration of compensation (including any question as to the nature or extent of disablement), the question shall, in default of agreement, be settled by the Commissioner.

(2) No court shall have jurisdiction to settle, decide or deal with any question which is by or under this Ordinance required to be settled, decided or dealt with by a Commissioner or, save as in this Ordinance or any rule or regulation made thereunder is provided, to enforce any liability incurred under this Ordinance.

Judges of
Supreme
Court to be
Commis-
sioners.
Ord.23-1948,
s. 2.

22. (1) The Judges of the Supreme Court shall be Commissioners for Workmen's Compensation for the Colony, and the Magistrate from time to time assigned for duty as such in the Island of Tobago shall, in addition to the Judges of the Supreme Court, be a commissioner for Workmen's Compensation for the Island of Tobago.

(2) Any Commissioner may, for the purpose of deciding any matter referred to him for decision under this Ordinance, appoint one or more persons possessing special knowledge of any matter relevant to the matter under enquiry to assist him in holding the enquiry.

Application
to Commis-
sioner.
Ch.22. No.12
-1940, s. 22.

23. (1) No application for the settlement of any matter by a Commissioner shall be made unless and until some question has arisen between the parties in connection therewith which they have been unable to settle by agreement.

(2) Where any such question has arisen, the application may be made in such form and shall be accompanied by such fee, if any, as may be prescribed, and shall contain, in addition to any particulars which may be prescribed, the following particulars, namely—

(a) a concise statement of the circumstances in which the application is made and the relief or order which the applicant claims;

(b) in the case of a claim for compensation against an employer the date of service of notice of the accident on the employer and, if such notice has not been served

or has not been served in due time, the reason for such omission;

- (c) the names and addresses of the parties; and
- (d) a concise statement of the matters on which agreement has and of those on which agreement has not been come to.

(3) If the applicant is illiterate or for any other reason is unable to furnish the required information in writing the application shall, if the applicant so desires, be prepared under the direction of the Registrar.

24. The Commissioner shall have all the powers of the Supreme Court for the purpose of enforcing the attendance of witnesses, compelling the production of documents and material objects, administering oaths and taking evidence, amending any defect or error in any proceeding, enlarging the time appointed for taking any proceeding or for doing any act, and punishing for contempt of Court.

Powers and procedure of Commissioners.

Ch.22. No.12 -1940, s. 23.

25. (1) The Commissioner may, subject to regulations made under this Ordinance, submit to a medical referee for report any matter of medical character which seems material to any question arising before him in the course of the proceedings before him.

Reference by Commissioner to medical referee.

Ord.12-1945, s. 9.

(2) When the Commissioner has decided to refer a matter to a medical referee by virtue of the provisions of the preceding subsection, he shall fix the time within which the parties may come to an agreement as to the choice of a medical referee, and failing such agreement, the Commissioner shall refer the matter to a medical referee chosen by him.

(3) A medical referee to whom any such reference is made shall, in accordance with regulations made under this Ordinance, give a certificate of his findings and such certificate shall be conclusive evidence as to the matters so certified.

(4) Regulations may be made by the Governor in Council for prescribing the duties of the medical referee in cases of reference made under this section and the forms to be used.

Appearance
of parties.
Ch.22. No.12
-1940, s. 24.

26. Any appearance, application or act required to be made or done by any person before or to a Commissioner (other than an appearance of a party which is required for the purpose of his examination as a witness) may be made or done on behalf of such person by a legal practitioner or, with the leave of the Commissioner, by his son, daughter, father, mother, brother, sister or wife or any person in his permanent employment.

Fees.
Ch.22. No.12
-1940, s. 25.

27. No person other than a legal practitioner who appears or acts on behalf of any party in connection with proceedings before a Commissioner under this Ordinance shall be entitled to any fee or reward for so appearing or acting.

Evidence to
be recorded.
Ch.22. No.12
-1940, s. 26.

28. The Commissioner shall make notes of the evidence of every witness as the examination of the witness proceeds, and such notes shall be written and signed by the Commissioner with his own hand and shall form part of the record: Provided that the evidence of any medical witness shall be taken down as nearly as may be word for word.

Costs.
Ch. 22.No.12
-1940, s. 27.

29. All costs incidental to any proceedings before a Commissioner shall, subject to regulations made under this Ordinance, be in the discretion of the Commissioner.

Registration
of orders.
Ch.22. No.12
-1940, s. 28.

30. At the conclusion of the hearing of every application for the settlement of a matter by the Commissioner the Commissioner shall record his decision and order. Where the order directs the payment of compensation under this Ordinance or the variation of the amount or rate of payment of compensation previously ordered by the Commissioner or settled by agreement, the Commissioner shall direct the Registrar to record a memorandum of his order in a register in the prescribed manner.

Registration
of agree-
ments.
Ch.22. No.12
-1940, s. 29.
Ord.12-1945,
s. 10.

31. (1) Where the amount of compensation under this Ordinance has been settled or varied by agreement, a memorandum thereof shall be sent by the employer, and may be sent by any party interested, to the Commissioner, who shall, on being satisfied as to its genuineness, direct the

Registrar to record the memorandum in a register in the prescribed manner:

Provided that—

(a) no such memorandum shall be recorded before seven days after communication by the Registrar of notice to the parties concerned;

(b) where a workman seeks to record a memorandum of agreement between his employer and himself for the payment of compensation and the employer proves that the workman has, in fact, returned to work and is earning the same wages as he did before the accident and objects to the recording of such memorandum, the memorandum shall only be recorded, if at all, on such terms as the Commissioner thinks just in the circumstances;

(c) the Commissioner may at any time rectify the register;

(d) where it appears to the Commissioner that an agreement as to the payment of a lump sum, whether by way of redemption of a half-monthly payment or otherwise, or an agreement as to the amount of compensation payable to a person under any legal disability, or to dependants, ought not to be registered by reason of the inadequacy of the sum or amount, or by reason of the agreement having been obtained by fraud or undue influence or other improper means, he may refuse to record the memorandum of the agreement or may make such order, including an order as to any sum already paid under the agreement, as he thinks just in the circumstances;

(e) where a memorandum of agreement for the payment of a lump sum is sent for registration in accordance with the provisions of this section, the Commissioner shall have power in accordance with rules of court—

(i) to require either party to the agreement to furnish him either orally or in writing with such information as he may consider necessary, or to require the attendance before him of any of the parties to the agreement;

(ii) when the information as to the workman's

condition appears to him to be insufficient or conflicting, to require a report as to the workman's condition to be obtained from a medical referee chosen by both parties, or if they fail to agree as to the choice of a medical referee within the time fixed by the Commissioner, by a medical referee chosen by the Commissioner;

and in the event of either of the parties failing to comply with any such requirement of the Commissioner, the Commissioner may refuse to record the memorandum.

Where it appears from any report made by a medical referee that the prospects of the workman's recovery from incapacity cannot as yet be approximately determined, the Commissioner may refuse to record the memorandum;

(f) the Commissioner may, within six months after a memorandum of an agreement as to the payment of a lump sum whether by way of redemption of a half-monthly payment or otherwise, or of an agreement as to the amount of compensation payable to a person under any legal disability, or to dependants, has been recorded in the register, order that the record be removed from the register on proof to his satisfaction that the agreement was obtained by fraud or undue influence or other improper means, and may make such order (including an order as to any sum already paid under the agreement) as he thinks just in the circumstances.

Costs paid
by employer
to work-
man's
solicitor to
be disclosed.

(2) Any memorandum of agreement to which this section applies shall disclose the amount (if any) paid or payable under or in respect of the agreement by the employer to the solicitor and counsel for the workman or his dependants as costs, and, if it appears to the Commissioner that the amount is excessive, the Commissioner shall, subject to regulations made under this Ordinance, tax such costs or order the same to be taxed by the Registrar but not by a Sub-Registrar; and if the costs are reduced on taxation, the amount of such reduction shall either be applied or dealt with for the benefit of the workman or his dependants, or paid to the employer.

32. Every memorandum and every amendment to a memorandum registered under section 30 or section 31 and every order made under section 31, when recorded as required by the said sections, shall thereupon for all purposes be enforceable as a Supreme Court judgment.

Orders and agreements enforceable as Supreme Court judgments.
Ch.22. No.12
-1940, s. 30.

33. Where a memorandum of any agreement, the registration of which is required by section 31, is not sent to the Commissioner as required by that section, the employer shall be liable to pay the full amount of compensation which he is liable to pay under the provisions of this Ordinance, and notwithstanding anything contained in the proviso to subsection (1) of section 5 shall not, unless the Commissioner otherwise directs, be entitled to deduct more than half of any amount paid to the workman by way of compensation whether under the agreement or otherwise.

Effect of failure to register agreement.
Ch.22. No.12
-1940, s. 31.

34. (1) With the leave of the Full Court, or upon the certificate of the Commissioner making the order that it is a fit case for appeal from his order, an appeal shall lie to the Full Court from any order of a Commissioner where a question of law is involved in the appeal.

Appeals.
Ch.22. No.12
-1940, s. 32.

(2) An appeal shall lie to the Full Court as of right from the following orders of a Commissioner, namely—

(a) an order awarding as compensation a lump sum whether by way of redemption of a half-monthly payment or otherwise or disallowing a claim in full or in part for a lump sum;

(b) an order refusing to allow redemption of a half-monthly payment;

(c) an order providing for the distribution of compensation among the dependants of a deceased workman, or disallowing any claim of a person alleging himself to be such a dependant;

(d) an order allowing or disallowing any claim for the amount of an indemnity under the provisions of subsection (2) of section 14; or

(e) an order refusing to register a memorandum of agreement or registering the same or providing for the registration of the same subject to conditions:

Provided that no appeal under this subsection shall lie against any order unless a question of law is involved in the appeal, and in the case of an order other than an order such as is referred to in paragraph (b) unless the amount in dispute in the appeal is not less than two hundred and forty dollars.

(3) Notwithstanding anything herein contained, no appeal shall lie in any case in which the parties have agreed to abide by the decision of the Commissioner, or in which the order of the Commissioner gives effect to an agreement come to by the parties.

(4) Save in so far as the same may be modified by any rules made under this Ordinance, the rules of the Supreme Court for the time being in force as to appeals to the Full Court in civil matters shall, with the necessary modifications, apply to appeals under this section from orders of the Commissioner.

Rules and Regulations.

Rules of
Court.
Ord.12-1945,
s. 11.
Ch.22. No.12
-1940, s. 33.

35. (1) The Chief Justice, with the concurrence of a Puisne Judge, may make rules of court for—

(a) prescribing the manner in which documents are to be furnished or served and applications made under section 13, the procedure for appeals to the Commissioner under the said section, and the forms to be used for those purposes;

(b) regulating the procedure and practice in respect of reports required by the Commissioner under paragraph (e) of subsection (1) of section 31 and of appeals under section 34.

(2) No such rules of court shall come into operation until the same shall have been laid before the Legislative Council and gazetted for one month; but when the same shall come into operation they shall have effect as if enacted by this Ordinance and shall be judicially noticed.

Regulations.
Ch.22. No.12
-1940, s. 34.

36. (1) The Governor in Council may make regulations for all or any of the following purposes, that is to say—

(a) for prescribing the intervals at which and the conditions subject to which an application for review

may be made under section 7 when not accompanied by a medical certificate;

(b) for prescribing the intervals at which and the conditions subject to which a workman may be required to submit himself for medical examination under subsection (1) of section 12;

(c) for prescribing the procedure to be followed by Commissioners in the disposal of matters under this Ordinance and by the parties in such matters;

(d) for regulating the transfer of matters from one Commissioner to another and the transfer of money in such matters;

(e) for prescribing the manner in which money in the hands of a Registrar may be invested for the benefit of dependants of a deceased workman and for the transfer of money so invested from one Registrar to another;

(f) for the representation in proceedings before Commissioners of parties who are minors or are unable to make an appearance;

(g) for prescribing the form and manner in which memoranda of agreements shall be presented to and registered by Commissioners;

(h) for the withholding by Commissioners, whether in whole or in part, of half-monthly payments pending decision on applications for review of the same;

(i) for prescribing the costs which may be allowed in respect of any claim or proceedings under this Ordinance;

(j) for prescribing the fees to be paid in respect of any claim or proceedings under this Ordinance;

(k) for prescribing the fees to be paid to any person appointed to assist a Commissioner under the provisions of subsection (2) of section 22;

(l) for the maintenance by the Registrar of registers and records of proceedings before the Commissioners;

(m) for providing for any matters which are authorised by this Ordinance to be prescribed; and

(n) generally for carrying out the provisions of this Ordinance.

(2) Regulations made under this section shall have no force or effect until they have been approved by the Legislative Council.

Sections 2
(1) and 5.

SCHEDULE.

List of Injuries deemed to result in Permanent Partial Disablement.

INJURY.	Percentage of Loss of Earning Capacity.
Loss of either arm above or at the elbow ...	70
Loss of either arm below the elbow	60
Loss of leg at or above the knee	60
Loss of leg below the knee	50
Permanent total loss of hearing	50
Loss of one eye	30
Loss of thumb	25
Loss of all toes of one foot	20
Loss of one phalanx of thumb	10
Loss of index finger	10
Loss of great toe	10
Loss of any finger other than index finger ...	5

Complete and permanent loss of the use of any limb or member referred to in this Schedule shall be deemed to be the equivalent of the loss of that limb or member.

CHAPTER 22. No. 14.

WORKMEN'S COMPENSATION.

Regulations made under Section 36 of the Workmen's Compensation Ordinance.

R.G.

16.12.26.

„ 5.5.32.

PRELIMINARY.

1. These regulations may be called the Workmen's Compensation Regulations. Short title.
2. In these regulations, unless there is anything repugnant in the subject or context—
 - (a) " the Ordinance " means the Workmen's Compensation Ordinance;
 - (b) " Form " means a form in the Appendix to these regulations;
 - (c) " section " means a section of the Ordinance;
 - (d) " Registrar " means the Registrar of the Supreme Court and includes the Deputy Registrar and the Sub-Registrars of San Fernando and Tobago.Definitions.

PART I.

REVIEW OF HALF-MONTHLY PAYMENTS AND COMMUTATION THEREOF.

3. Application in Form A for review of a half-monthly payment under section 7 may be made without being accompanied by a medical certificate—
 - (a) by the employer, on the ground that since the right to compensation was determined the workman's wages have increased;
 - (b) by the workman, on the ground that since the right to compensation was determined his wages have diminished;
 - (c) by the workman, on the ground that the employer, having commenced to pay compensation, has ceased to pay the same, notwithstanding the fact that there has been no change in the workman's condition such as to warrant such cessation;
 - (d) by the workman, on the ground that he has ceased, since the right to compensation was determined, to be a minor;
 - (e) either by the employer or by the workman, on the ground that the determination of the rate of compensation for the time being in force was obtained by fraud or undue influence or other improper means.When application may be made without medical certificate.
4. If, on examining an application for review by an employer in which the reduction or discontinuance of half-monthly payments is sought, it appears to the Commissioner that there is reasonable ground for believing that the employer has a right to such reduction or discontinuance, he may at any time issue an order withholding the half-monthly payments in whole or in part pending his decision on the application. Procedure on application for review.
5. (1) Where application is made to the Commissioner under section 8 for the redemption of a right to receive half-monthly payments by the payment of a lump sum, the Commissioner shall form an estimate of the probable duration of the disablement, and shall award a sum equivalent to the total of the half-monthly payments which would be payable for the period during which he estimates that the disablement will continue, less one half per cent. of that total for each month comprised in that period. Procedure on application for commutation.

(2) When, in any case to which subsection (1) of this regulation applies, the Commissioner is unable to form an approximate estimate of the probable duration of the disablement, he may from time to time postpone a decision on the application for a period not exceeding two months at any one time.

PART II.

DEPOSIT OF COMPENSATION.

Deposit under section 9 (1).

6. (1) An employer depositing compensation with the Registrar under subsection (1) of section 9 shall furnish therewith a statement in Form B, and shall be given a receipt in Form C.

(2) If, in the statement above referred to, the employer indicates that he desires to be made a party to the distribution proceedings, the Commissioner shall, before allotting the sum deposited as compensation, afford to the employer an opportunity of establishing that the person to whom he proposes to allot such sum is not a dependant of the deceased workman, or as the case may be, that no one of such persons is a dependant.

(3) The statement of disbursements to be furnished on application by the employer under subsection (5) of section 9 shall be in Form D.

Publication of lists of deposits.

7. The Registrar shall cause to be displayed in a prominent position outside his office an accurate list of the deposits received by him under subsection (1) of section 9, together with the names and addresses of the depositors and of the workmen in respect of whose death the deposits have been made.

Procedure where no compensation deposited.

8. (1) Where a dependant of a deceased workman claims that compensation is payable in respect of the death of the workman, and no compensation has been deposited in accordance with subsection (1) of section 9 in respect thereof, the dependant may apply to the Commissioner for the issue of an order requiring the employer to deposit compensation in accordance with the said subsection:

Provided that no such application shall be entertained, unless the applicant certifies therein that he has requested the employer to deposit compensation and that the employer has refused or omitted to do so.

(2) The Commissioner shall dispose of such application in accordance with the provisions of Part V of these regulations:

Provided that—

(a) the Commissioner may, at any time, cause notice to be given in such manner as he thinks fit to all or any of the dependants of the deceased workman who have not joined in the application, requiring them, if they desire to join therein, to appear before him on a date specified in this behalf;

(b) any dependant to whom such notice has been given and who fails to appear and to join in the application on the date specified in the notice shall not be permitted thereafter to claim that the employer is liable to deposit compensation, unless he satisfies the Commissioner that he was prevented by any sufficient cause from appearing when the case was called on for hearing.

(3) If, after completing the inquiry into the application, the Commissioner issues an order requiring the employer to deposit compensation in accordance with subsection (1) of section 9, nothing in subsection (2) of this regulation shall be deemed to prohibit the allotment of any part of the sum deposited as compensation to a dependant of the deceased workman who failed to join in the application.

Deposit under section 9 (2) and (3).

9. An employer depositing compensation in accordance with subsection (2) or subsection (3) of section 9 shall furnish therewith a statement in Form E, and shall be given a receipt in Form F.

Manner in which compensation may be invested under section 9.

10. Money invested under section 9 may be invested in the name of the Registrar in Government Securities or deposited in the name of the Registrar in a Post Office Savings Bank.

PART III.

INQUIRY BY EMPLOYER.

11. (1) Any employer to whom notice of an accident has been given may at any time, notwithstanding the fact that no claim for compensation has been instituted in respect of such accident, present to the Registrar a memorandum, supported by an affidavit made by himself or by any person subordinate to him having knowledge of the facts stated in the memorandum embodying the result of any investigation or inquiry which has been made into the circumstances or cause of the accident.

Right of employer to present memorandum when notice given.

(2) A memorandum presented under this regulation shall, subject to the payment of such fee as may be prescribed, be recorded by the Registrar.

PART IV.

MEDICAL EXAMINATION.

12. A workman who is required by subsection (1) of section 12 to submit himself for medical examination shall be bound to do so in accordance with the regulations contained in this Part and not otherwise.

Workman not to be required to submit to medical examination save in accordance with rules.

13. When such workman is present on the employer's premises, and the employer offers to have him examined free of charge by a qualified medical practitioner who is so present, the workman shall submit himself for examination forthwith.

Examination when workman and medical practitioner both on premises.

14. In cases to which regulation 13 does not apply, the employer may—

(a) send the medical practitioner to the place where the workman is residing for the time being, in which case the workman shall submit himself for medical examination on being requested to do so by the medical practitioner, or

Examination in other cases.

(b) send to the workman an offer in writing to have him examined free of charge by a qualified medical practitioner, in which case the workman shall submit himself for medical examination at the employer's premises, or at such other place in the vicinity as is specified in such offer, and at such time as is so specified:

Provided that—

(i) the time so specified shall not, save with the express consent of the workman, be between the hours of 7 p.m. and 6 a.m.; and

(ii) in cases where the workman's condition renders it impossible or inadvisable that he should leave the place where he is residing for the time being, he shall not be required to submit himself for medical examination save at such place.

15. A workman who is in receipt of a half-monthly payment shall not be required to submit himself for medical examination elsewhere than at the place where he is residing for the time being more than twice in the first month following the accident or more than once in any subsequent month.

Restriction on number of examinations.

16. If a workman whose right to compensation has been suspended under subsection (2) or subsection (3) of section 12 subsequently offers himself for medical examination, his examination shall take place on the employer's premises or at such other place in the vicinity as may be fixed by the employer.

Examination after suspension of right to compensation.

PART V.

PROCEDURE.

17. Any application of the nature referred to in section 23 may be sent to the Registrar by registered post or may be presented to him or to any Warden or Magistrate, and, if so sent or presented, shall, unless the Commissioner otherwise directs, be made in Forms G, H, or J, as the case may be, and shall be signed by the applicant. Every application presented to a Warden or Magistrate shall be forwarded to the Registrar by such Warden or Magistrate forthwith.

Applications.

Examination of applicant. 18. (1) On receiving such application, the Registrar may examine the applicant on oath, or may send the application to any officer authorised by the Governor in that behalf and direct such officer to make such examination and forward the record thereof to the Registrar.

(2) The substance of any examination made under this regulation shall be recorded in the manner provided for the recording of evidence in section 28.

Summary dismissal of application. 19. The Registrar shall refer the application and the record of the substance of any examination of the applicant under regulation 18 to the Commissioner, who, after considering the same, may summarily dismiss the application, if, for reasons to be recorded, the Commissioner is of opinion that there are no sufficient grounds for proceeding thereon; and the Registrar shall forthwith notify the applicant or the legal practitioner or other person acting on behalf of the applicant of such summary dismissal of the application by the Commissioner.

Preliminary inquiry into application. 20. If the application is not dismissed under regulation 19, the Commissioner may direct the Registrar to call upon the applicant to produce to the Registrar evidence in support of the application before calling upon any other party, and, if upon considering such evidence the Commissioner is of opinion that there is no case for the relief claimed, he may dismiss the application with a brief statement of his reasons for so doing.

Notice to opposite party. 21. If the Commissioner does not dismiss the application under regulation 19 or regulation 20, the Registrar shall cause to be served on the party from whom the applicant claims relief (hereinafter referred to as the respondent) a copy of the application and may, if he thinks fit, call upon the respondent to file a written statement dealing with the claim within such time as the Registrar may fix.

Statement to be filed by respondent. 22. The respondent may, and if so required by the Registrar, shall, within such time as the Registrar may fix, file a written statement dealing with the claim raised in the application, and any such written statement shall form part of the record.

Procedure where indemnity claimed under section 14 (2). Notice to third party. 23. Where the respondent claims that if compensation is recovered against him he will be entitled under subsection (2) of section 14 to be indemnified by a person not being a party to the case (hereinafter referred to as the third party), he shall, within ten days after being served with the copy of the application, file a notice of such claim with the Registrar, accompanied by the prescribed fee, and the Registrar shall thereupon cause a copy of the notice of such claim in Form K to be served on the third party, and may, if he thinks fit, call upon him to file a written statement dealing with the claim raised in the application within such time as the Registrar may fix.

Procedure where claim admitted. 24. If the respondent or the third party admits the claim, he may at any time before the first hearing—

(a) Where the application is made by an injured workman—

(i) file with the Registrar a notice that he submits to an order for the payment of a half-monthly sum, to be specified in such notice; or

(ii) file with the Registrar a notice that he submits to an order for the payment of a lump sum, to be specified in the notice, and pay such sum into Court;

(b) Where the application is made on behalf of the dependants of a deceased workman, or for the settlement of the sum payable in respect of medical attendance and the burial of a deceased workman who leaves no dependants, file with the Registrar a notice that he admits liability, and pay into Court such sum of money as he considers sufficient to cover his liability in the circumstances of the case.

Failure of respondent or third party to file statement. 25. If the respondent or the third party fails to file a written statement dealing with the claim within the time fixed by the Registrar or by the Commissioner on an application to enlarge the time, he shall be taken to admit the claim.

Date and Place of hearing. 26. Where it is necessary to proceed to a hearing, the Registrar shall fix a date and place for disposing of the application and of the claim for indemnity, if any, and cause notice thereof to be served on the different parties in Form L, calling upon them then and there to produce any evidence which they may wish to tender.

27. If, on the day of hearing or at any adjournment of the case, the applicant does not appear, the case shall be dismissed, unless the Commissioner having received a reasonable excuse for the non-appearance of the applicant, or for other sufficient reason, thinks fit to adjourn the hearing to some future day upon such terms as to costs as the Commissioner may think just. Non-appearance of applicant.
28. If on the day of hearing or at any adjournment of the case, the respondent or third party does not appear, the Court may proceed to hear the case in his absence, unless the Commissioner, having received a reasonable excuse for his absence, or for other sufficient reason, thinks fit to adjourn the hearing to some future day upon such terms as to costs as the Commissioner may think fit. Absence of respondent or third party.
29. There shall be recorded in every proceeding a note of the steps taken on the application. Record of proceedings.
30. (1) The Commissioner, in making orders, shall record concisely his finding and his reasons for such finding. Orders.
- (2) The Commissioner, at the time of signing and dating his order, shall pronounce his decision, and thereafter no addition or alteration shall be made to the order other than the correction of a clerical or arithmetical mistake arising from any accidental slip or omission.
- (3) Orders shall be in one of the forms in Form M, with any necessary variation.
31. A Commissioner before whom any proceeding relating to an injury by accident is pending may at any time enter the place where the workman was injured, or where the workman ordinarily performed his work, for the purpose of making a local inspection or of examining any persons likely to be able to give information relevant to the proceedings. Right of entry for local inspection.
- Provided that the Commissioner shall not enter any premises of any industrial establishment except during the ordinary working hours of that establishment, save with the permission of the employer or of some person directly responsible to him for the management of the establishment.
32. (1) If the Commissioner proposes to conduct a local inspection with a view to examining on the spot the circumstances in which an accident took place, he shall give the parties or their representatives notice of his intention to conduct such inspection, unless in his opinion the urgency of the case renders the giving of such notice impracticable. Procedure in connection with local inspection.
- (2) Such notice may be given orally or in writing, and, in the case of an employer, may be given to any person upon whom notice of a claim can be served under subsection (2) of section 11, or to the representative of any such person.
- (3) Any party, or the representative of any party, may accompany the Commissioner at a local inspection.
33. Where two or more cases pending before a Commissioner arise out of the same accident, and any issue involved is common to two or more such cases, such cases may, so far as the evidence bearing on such issue is concerned, be taken together. Procedure in connected cases.
34. If an application is presented by any party to the proceedings for the citation of witnesses, the Registrar shall, on payment of the prescribed expenses and fees, issue summonses for the appearance of such witnesses, unless the Commissioner considers that their appearance is not necessary for the just decision of the case. Summoning of witnesses.
35. If the Registrar is satisfied that the applicant is unable, by reason of poverty, to pay the prescribed fees, he may remit any or all of such fees. If the case is decided in favour of the applicant, the prescribed fees which, had they not been remitted, would have been due to be paid, may be added to the costs of the case and recovered in such manner as the Commissioner in his order regarding costs may direct. Exemption from payment of costs.
36. (1) Where any document is to be filed with the Registrar under these regulations, that document may be so filed by delivering it at the office of the Registrar or by sending it by post addressed to the Registrar at his office. Filing and service of documents.

(2) Where any document is to be filed, there shall be filed with the original document as many copies of the document as there are persons on whom copies of the document are to be served, and in addition a copy for the use of the Commissioner.

(3) Where any document is under these regulations to be served upon any person, such document may be served—

(a) upon the Crown, by service upon the Head of the Department in which the applicant was employed at the time of the accident, or by leaving it at the office of such Head of Department;

(b) upon an individual, by service upon him personally or by leaving it at his last known place of abode or business;

(c) upon a Municipal Corporation, by service on the Town Clerk or by leaving it at his office;

(d) upon a corporate body, by service on the secretary or by leaving it at the registered office of such corporate body;

(e) upon a Club, by service on the Secretary or any member of the Managing Committee;

(f) upon the master of a ship or a person belonging to a ship, by service on such master or person or by leaving the document for such master or person on board the ship with the person being or appearing to be in command or charge of the ship, or where no such person can be found, by affixing a copy of the document to the mast of the ship.

(4) All service shall be effected by a member of the Police Force, who shall make a return of the service within two days in Form N, sworn to before a Magistrate or Justice.

Application
of Supreme
Court Rules.

37. Save as otherwise expressly provided in the Ordinance or these regulations, the Rules of the Supreme Court as to enforcing the attendance of witnesses, compelling the production of documents and material objects, administering oaths, taking evidence, amending any defect or error in any proceeding, enlarging the time appointed for taking any proceeding or doing any act and the representation of persons under disability shall, with the necessary modifications, apply to proceedings before a Commissioner.

Apportion-
ment of
compensa-
tion among
dependants.

38. The provisions of this Part shall, as far as may be, apply in the case of any proceedings relating to the apportionment of compensation among dependants of a deceased workman.

PART VI.

RECORD OF MEMORANDA OF AGREEMENT.

Form of
memoran-
dum.

39. Memoranda of agreement sent to the Registrar under subsection (1) of section 31 shall, unless the Commissioner otherwise directs, be in duplicate, and shall be in as close conformity as the circumstances of the case admit with Form O or Form P or Form Q as the case may be.

Procedure
where
Commis-
sioner does
not consider
that he
should refuse
to record
memoran-
dum.

40. (1) On receiving a memorandum of agreement the Registrar shall refer the same to the Commissioner who, unless he considers that there are grounds for refusing to record the same, shall direct the Registrar to fix a day for recording the same, and the Registrar shall accordingly issue a notice in writing in Form R to the parties concerned that in default of objections the Commissioner proposes to record the memorandum on the day so fixed:

Provided that the notice may be communicated orally to any parties who are present at the time when notice in writing would otherwise issue.

(2) On the date so fixed the Commissioner shall direct the Registrar to record the memorandum unless, after hearing any of the parties who appear and desire to be heard, he considers that it ought not to be recorded:

Provided that the issue of a notice under subsection (1) of this regulation shall not be deemed to prevent the Commissioner from refusing to record the memorandum on the date so fixed even if no objection be made by any party concerned.

(3) If on such date the Commissioner decides that the memorandum ought not to be recorded, he shall inform the parties present of his decision and of the

reasons therefor, and, if any party desiring the memorandum to be recorded is not present, the Registrar shall send information to that party in Form S.

41. (1) If on the reference of a memorandum of agreement by the Registrar to the Commissioner, the Commissioner considers that there are grounds for refusing to record the same, the Registrar shall fix a date for hearing the party or parties desiring the memorandum to be recorded, and the Registrar shall inform such party or parties and, if the Commissioner thinks fit, any other party concerned, of the date so fixed and of the grounds on which the Commissioner considers that the memorandum should not be recorded.

Procedure where Commissioner considers he should refuse to record memorandum.

(2) If the parties to be informed are not present, a written notice shall be sent to them in Form T or Form U, as the case may be, and the date fixed in such notice shall be not less than seven days after the date of the issue of the same.

(3) If, on the date fixed under subsection (1) of this regulation the party or parties desiring the memorandum to be recorded show adequate cause for proceeding to the record of the same, the Commissioner may, if information has already been given to all the parties concerned, direct the Registrar to record the agreement. If information has not been given to all such parties, he shall proceed in accordance with Regulation 40.

(4) If, on the date so fixed, the Commissioner refuses to record the memorandum, the Registrar shall send notice in Form S to any party who did not receive information under subsection (1) of this regulation.

42. (1) If in any case the Commissioner refuses to record a memorandum of agreement, he shall briefly record his reasons for such refusal.

Procedure on refusal to record memorandum.

(2) If the Commissioner refuses to record a memorandum of agreement, he shall not make any order directing the payment of any sum or amount over and above the sum specified in the agreement, unless opportunity has been given to the party liable to pay such sum to show cause why it should not be paid.

(3) Where the agreement is for the redemption of half-monthly payments by the payment of a lump sum, and the Commissioner considers that the memorandum of agreement should not be recorded by reason of the inadequacy of the amount of such sum as fixed in the agreement, he shall record his estimate of the probable duration of the disablement of the workman.

43. In recording a memorandum of agreement, the Registrar shall cause the same to be entered in a register in Form V, and shall cause an endorsement to be made under his signature on a copy of the memorandum to be retained by him in the following terms, namely:—

Registration of memorandum accepted for record.

" This memorandum of agreement bearing Serial No. _____ of 19 _____, in the register of agreements has been recorded this _____ day of _____

(Signature)

Registrar."

44. In recording an order of the Commissioner under section 30, directing the payment of compensation or the variation of the amount or rate of compensation previously ordered or settled by agreement, the Registrar shall cause such order to be entered in a register in the Form W, and shall cause an endorsement to be made under his signature on a copy of the order to be retained by him in the following terms, namely:—

Registration of orders.

" This order bearing Serial No. _____ of 19 _____, in the register of orders has been recorded in such register this _____ day of _____ 19 _____

(Signature)

Registrar."

PART VIA.

44A. All proceedings or documents filed with or delivered to the Registrar shall bear the date of the filing or issuing thereof.

Duties of Registrar.

44B. The Registrar shall enter all proceedings hereafter to be commenced in a Cause Book, the form of which shall be prescribed by a Commissioner; any entry

made therein shall be examined with the original document the day after such entry is made, and such entry shall be evidence of the document having been filed.

44c. The Registrar shall also keep the Registers prescribed by Regulations 43 and 44 and shall make the appropriate entries therein in accordance with the requirements of the said Regulations.

44d. Proper indexes of the titles of all applications filed with or delivered to the Registrar shall be kept so that the same may be conveniently referred to when required; and such indexes shall at all times during office hours be accessible to the public on payment of the prescribed fee.

44e. The Registrar shall, on a request in writing giving sufficient particulars and on payment of the prescribed fee, cause a search to be made in the Cause Books or Registers under his custody, and issue a certificate of the result of the search.

44f. Any person shall on payment of the prescribed fee be allowed to inspect the file of documents or proceedings in any matter.

PART VII.

Costs.

Costs.

45. (1) Any costs of and incident to any proceedings before a Commissioner directed to be paid by one party to another shall, in default of agreement between the parties as to the amount of such costs, be taxed according to such one of the scales of costs applicable to actions in the Supreme Court or the Petty Civil Court as the Commissioner shall direct; and the statutory provisions and rules for the time being in force as to the allowance and taxation of costs in such actions, shall with the necessary modifications, apply accordingly.

(2) When proceedings are taken for which no provision is made by these regulations, reasonable costs may be allowed in respect of such proceedings, not exceeding those which may under the scales of costs be allowed in respect of proceedings of a like nature.

(3) The Commissioner, in dealing with the question of costs, may take into consideration any offer of compensation proved to have been made on behalf of the employer.

PART VIII.

FEES.

Fees.

46. The following fees are hereby prescribed and shall be collected by means of stamps; and all statutory provisions and all rules for the time being in force in relation to the collection of revenue by stamps shall apply thereto:—

I—Applications for compensation—	\$
(a) Where compensation is claimed in the form of recurring payments	1.20
(b) Where compensation is claimed in the form of a lump sum	\$1.20 where the sum does not exceed \$240, plus \$1.20 for each additional sum of \$240 or fraction thereof.
II—Applications for commutation	\$
(a) By agreement between the parties	1.20
(b) In all other cases	2.40
III—Applications for the deposit of compensation—	
(a) Under section 9 (1) of the Ordinance	<i>Nil.</i>
(b) In all other cases, in respect of each person to whom compensation is payable... ..	1.20
IV—Applications for distribution by dependants, for each dependant	1.20

V—Applications for review—	\$
(a) Where the review claimed is the continuance, increase, decrease or ending of half-monthly payments	1.20
(b) Where the half-monthly payments are sought to be converted into a lump sum	2.40
(c) In all other cases	1.20
VI—Applications for the registration of agreements—	
(a) Where the application or the memorandum of agreement is signed by both parties	<i>Nil.</i>
(b) In other cases	1.20
VII—Applications to summon witnesses—	
For every witness	0.24
VIII—Applications for indemnification	4.80
IX—Applications for the recovery of compensation—	
(a) Under an order already made by the Commissioner	0.48
(b) In all other cases	The same fee as is payable on a similar application for compensation.
	\$
X—All applications not otherwise provided for	0.48
XI—For service of any notice or process	0.12
XII—For search in Indexes of titles of applications filed	0.24
XIII—For search in Cause Books or Registers and issuing certificate of result of search under the hand of the Registrar	0.48
XIV—For inspecting file of documents or proceedings	0.24

PART IX.

FORMS.

47. Where the forms in the Appendix are not applicable, forms of the like character, with such variations as the circumstances may require, may be used in proceedings under the Ordinance. Forms.

APPENDIX.

FORM A.

(Under Regulation 3.)

Application for Review of half-monthly Payment.

To the Commissioner for Workmen's Compensation,

residing at
, applicant

versus

residing at
, respondent.

Application is hereby made for the review (termination, diminution, increase or redemption as the case may be) of the half-monthly payment payable to the said in respect of personal injury caused to him by accident arising out of and in the course of his employment.

Particulars are hereto appended.

FORM D.

(See Regulation 6.)

Statement of Disbursements.

SECTION 9 (5) OF THE WORKMEN'S COMPENSATION ORDINANCE.

Serial No.

Depositor

Amount deposited \$.

Date.

\$

Funeral expenses paid		
Compensation paid to the following dependants:—		
Name.	Relationship.	
TOTAL ...		

Dated 19 .

Registrar.

FORM E.

(See Regulation 9.)

Deposit of Compensation for Non-fatal Accidents.

(SECTION 9 (2) OR (3) OF THE WORKMEN'S COMPENSATION ORDINANCE.)

Compensation amounting to \$. is hereby presented for deposit in respect of permanent/temporary injuries sustained by . residing at . which occurred on 19 .

Dated 19 .

Employer.

FORM F.

(See Regulation 9.)

Receipt for Compensation.

(DEPOSIT UNDER SECTION 9 (2) OR (3) OF THE WORKMEN'S COMPENSATION ORDINANCE.)

Book No. Receipt No. Register No.
 Depositor
 In favour of
 Date of deposit 19 .
 Sum deposited \$

Registrar.

FORM H.
(See Regulation 17.)

Application for Compensation by Dependents.

To the Commissioner for Workmen's Compensation,

residing at
, applicant

versus

residing at
, respondent.

It is hereby submitted that—

(1) , a workman employed by (a contractor with) the respondent on the day of , 19 , received personal injury by accident arising out of and in the course of his employment resulting in his death on the day of , 19 . The cause of the injury was [here insert briefly in ordinary language the cause of the injury].

(2) The applicant(s) is a/are dependant(s) of the deceased workman, being his

(3) The monthly wages of the deceased amount to \$.

The deceased was over/under the age of 17 years at the time of his death.

*(4) (a) Notice of the accident was served on the day of

(b) Notice was served as soon as practicable.

(c) Notice of the accident was not served (in due time) by reason of

(5) The deceased before his death received as compensation the total sum of \$

(6) The applicant(s) is/are accordingly entitled to receive a lump sum payment of \$

(7) The applicant(s) has/have requested the respondent to deposit compensation and the latter has refused/omitted to do so.

*You are therefore requested to determine the following questions in dispute, namely:—

(a) whether the deceased was a workman within the meaning of the Ordinance,

(b) whether the accident arose out of and in the course of the deceased's employment,

(c) whether the amount of compensation claimed is due, or any part of that amount,

(d) whether the respondent is liable to pay such compensation as is due,

(e) whether the applicant(s) is a/are dependant(s) of the deceased,

(f) how the compensation, when deposited, should be distributed,

(g) etc. (as required).

Dated the

Applicant.

*Strike out the clauses which are not applicable.

To

of

I do hereby require you to file with me the undersigned Registrar a written statement dealing with the claim against you in the above application within days after service thereof on you.

And further take notice that if you fail to forward the statement in writing an order may be made against you in default.

Dated this day of , 19 .

Registrar.

FORM J.
(See Regulation 17.)

Application for Commutation.

(UNDER SECTION 8 OF THE WORKMEN'S COMPENSATION ORDINANCE.)

To the Commissioner for Workmen's Compensation,

residing at
, applicant

versus

residing at
, respondent.

It is hereby submitted that—

(1) The applicant/respondent has been in receipt of half-monthly payments from to in respect of temporary disablement by accident arising out of and in the course of his employment.

(2) The applicant is desirous that the right to receive half-monthly payments should be redeemed.

(3) (a) The respondent is unwilling to agree to the redemption of the right to receive half-monthly payments.

(b) The parties have been unable to agree regarding the sum for which the right to receive half-monthly payments should be redeemed.

You are therefore requested to make an order—

(a) directing that the right to receive half-monthly payments should be redeemed.

(b) fixing a sum for the redemption of the right to receive half-monthly payments.

Dated

Applicant.

FORM K.
(See Regulation 23.)

Notice.

Whereas a claim for compensation has been made to the Commissioner for Workmen's Compensation by applicant, against , and the said has claimed that you are liable under section 14 (2) of the Workmen's Compensation Ordinance, to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim, you are hereby informed that you may appear before the Commissioner for Workmen's Compensation at o'clock on the day of , 19 , at , and contest the claim for compensation made by the said applicant or the claim for indemnity made by the respondent. In default of your appearance you will be deemed to admit the validity of any award made against the respondent and your liability to indemnify the respondent for any compensation recovered from him.

Registrar.

Dated

19 .

To of

I do hereby require you to file with me the undersigned Commissioner a written statement dealing with the claim against you in the above application within days after service thereof on you.

And further take notice that if you fail to forward the statement in writing an order may be made against you in default.

Dated this day of , 19 .

Commissioner.

FORM L.
(See Regulation 26.)

Notice to Applicant of day upon which Hearing will be proceeded with.

THE WORKMEN'S COMPENSATION ORDINANCE.

residing at
, applicant

versus

residing at
, respondent.

Take notice that the Commissioner for Workmen's Compensation will proceed with the hearing of the application in this matter at _____ on the _____ day of _____ at the hour of _____ o'clock in the _____ noon.

Dated this _____ day of _____ 19 _____ .

To _____ of
Registrar for Workmen's Compensation.

Notice to Respondent of day upon which Hearing will be proceeded with.

THE WORKMEN'S COMPENSATION ORDINANCE.

residing at
, applicant

versus

residing at
, respondent.

Take notice that the Commissioner for Workmen's Compensation will proceed with the hearing of the application in this matter at _____ on the _____ day of _____ at the hour of _____ o'clock in the _____ noon, and that if you do not attend at the time and place above-mentioned such order will be made and proceedings taken as the Commissioner may think just and expedient.

Dated this _____ day of _____ , 19 _____ .

To _____ of
Registrar for Workmen's Compensation.

FORM M.
(See Regulation 30.)

Order.

(NOTE.—These forms are intended for use in ordinary cases only.)

(i) In case of application for half-monthly payment of compensation.

Having duly considered the matters submitted to me, I do hereby order as follows:—

[Here insert any introductory recitals of findings on which the order is made which the Commissioner may think fit.]

1. I order that the respondent C.D. do pay to the applicant A.B. the half-monthly sum of _____ as compensation for personal injuries caused to the said A.B. on the _____ day of _____ by injury arising out of and in the course of his employment as a workman employed by the said respondent, such half-monthly payment to commence as from the _____ day of _____, and to continue during the total or partial incapacity of the said A.B. for work, or until the same shall be ended, diminished, increased or redeemed in accordance with the provisions of the Workmen's Compensation Ordinance.

2. And I order that the said C.D. do forthwith pay to the said A.B. the sum of \$ _____ being the amount of such half-monthly payments calculated from the _____ day of _____ until the _____ day of _____ and do thereafter pay the said sum of \$ _____ to the said A.B. on the _____ and _____ days of each month.

3. And I order that the said C.D. do pay to the applicant his costs of or incidental to the proceedings, such costs, in default of agreement between the parties as to the amount thereof, to be taxed under the scale of costs applicable to actions in the Supreme/Petty Civil Court, and to be paid by the said C.D. within 14 days of the date of the certificate of the result of such taxation.

Dated this day of , 19 .

Registrar for Workmen's Compensation.

(ii) In case of application by Dependants.

Having duly considered the matters submitted to me, I do hereby order as follows:—

[Here insert any introductory recitals of findings on which the order is made which the Commissioner may think fit.]

1. I order that the respondent C.D. do pay the sum of \$, to the dependants of A.B. late of deceased, as compensation for the injury resulting to such dependants from the death of the said A.B. which took place on the day of from injury caused to the said A.B. on the day of by accident arising out of and in the course of his employment as a workman employed by the said respondent.

2. And I declare that the persons hereinafter named are entitled to share in such compensation as dependants of the said A.B., that is to say J.B. the widow of the said A.B. and (name the other persons.)

3. (Add if so found) And I declare that G.H. the of the said A.B. is not entitled to share in such compensation as a dependant of the said A.B.

4. And I order that the said sum of \$ be apportioned between the said J.B. and in the proportions following, that is to say:—

I apportion the sum of \$ to and for the benefit of the said J.B. and the sum of \$ to and for the benefit of the said .

5. And I order that the said C.D. do pay the said sum of \$ within 14 days from the date of this order.

6. And I order that the said J.B. and the said or any of them be at liberty to apply to me from time to time for any further or other order as to the application of any of the said sums which may be ordered to be invested and the accruing interest thereof.

7. And I order that the said C.D. do pay to the applicants their costs of and incident to these proceedings, etc.

Dated this day of , 19 .

Registrar for Workmen's Compensation.

(iii) In case of application by person to whom expenses of medical attendance or burial are due.

Having duly considered the matters submitted to me, I do hereby order a follows:—

[Here insert any introductory recitals of findings on which the order is made which the Commissioner may think fit.]

1. I order that the respondent C.D. do pay the sum of \$ for or towards the expenses of medical attendance on and the burial of A.B., late of deceased, who died on the day of from injury caused on the day of by accident arising out of and in the course of the employment of the said A.B. as a workman employed by the said C.D.

2. And I declare that the persons hereinafter named are entitled to share in such compensation, that is to say:—

The applicant E.F. in respect of charges amounting to \$ due to (or payable by) him for medical attendance on the said A.B., and the applicant G.H. in respect of charges amounting to \$ due to him for the burial of the said A.B.

Dated this day of , 19 .

Registrar for Workmen's Compensation.

(NOTE.—The above forms will serve as guides for framing orders in other cases.)

FORM N.

(See Regulation 36.)

THE WORKMEN'S COMPENSATION ORDINANCE.

Return of service of Process from the Commissioner for Workmen's Compensation.

Name of Applicant.	Name of Respondent.	Document Served.	Date of Service.	Place of Service.	Mode of Service.

I do swear that the above return of service is true and in accordance with the facts of such service.

(Signed)

Deponent.

Sworn before me by the above-named deponent this day of
 , 19 .

(Signed)

Magistrate (or Justice).

FORM O.

(See Regulation 39.)

Memorandum of Agreement.

It is hereby submitted that on the day of 19 , personal injury was caused to , residing at , by accident arising out of and in the course of employment in . The said injury has resulted in temporary disablement to the said workman whereby it is estimated that he will be prevented from earning more than of his previous wages for a period of any months. The said workman has been in receipt of half-monthly payments which have continued from the day of 19 , until the day of 19 , amounting to \$ in all. The said workman's monthly wages are estimated at \$. The workman is over the age of 17 years will reach the age of 17 years on .

It is further submitted that the employer of the said workman, has agreed to pay, and the said workman has agreed to accept, the sum of \$ in full settlement of all and every claim under the Workmen's Compensation Ordinance, in respect of all disablement of a temporary nature arising out of the said accident, whether now or hereafter to become manifest. It is therefore requested that this memorandum be duly recorded.

It is further submitted that the employer has paid and/or agreed to pay the sum of \$ only in respect of this agreement (including all negotiations and

proceedings preliminary thereto), to the solicitor and/or counsel for the workman, as costs.

Dated

Signature of employer

Witness

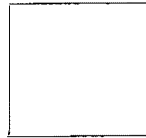
Signature of workman

Witness

(NOTE.—An application to register an agreement can be presented under the signature of one party, provided that the other party has agreed to the terms. But both signatures should be appended, whenever possible.)

Receipt (to be filled in when the money has actually been paid).

In accordance with the above agreement, I have this day received the sum of \$



Workman.

Dated 19 .

The money has been paid and this receipt signed in my presence.

Witness.

FORM P.

(See Regulation 39.)

Memorandum of Agreement.

It is hereby submitted that on the . . . day of . . . 19 . . . , personal injury was caused to . . . , residing at . . . by accident arising out of and in the course of his employment in The said injury has resulted in permanent disablement to the said workman of the following nature, namely:—

The said workman's monthly wages are estimated at \$ The workman is $\frac{\text{over the age of 17 years}}{\text{will reach the age of 17 years}}$ on The said workman has, prior to the date of this agreement, received the following payments, namely:—

It is further submitted that . . . , the employer of the said workman, has agreed to pay, and the said workman has agreed to accept the sum of \$. . . in full settlement of all and every claim under the Workmen's Compensation Ordinance in respect of the disablement stated above and all disablement now manifest. It is therefore requested that this memorandum be duly recorded.

It is further submitted that the employer has paid and/or agreed to pay the sum of \$. . . only in respect of this agreement (including all negotiations and proceedings preliminary thereto), to the solicitor and/or counsel for the workman, as costs.

Dated

Signature of employer

Witness

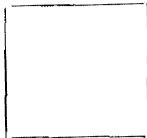
Signature of workman

Witness

(NOTE.—An application to register an agreement can be presented under the signature of one party, provided that the other party has agreed to the terms. But both signatures should be appended, whenever possible.)

Receipt (to be filled in when the money has actually been paid).

In accordance with the above agreement, I have this day received the sum of \$



Workman.

Dated 19 .

The money has been paid and this receipt signed in my presence.

Witness.

FORM Q.
(See Regulation 39.)

Memorandum of Agreement.

It is hereby submitted that on the day of 19 , personal injury was caused to , residing at , by accident arising out of and in the course of employment in . The said injury has resulted in temporary disablement to the said workman, who is at present in receipt of wages amounting to \$ per month. The said workman's monthly wages no wages prior to the accident are estimated at \$. The workman is subject to a legal disability by reason of .

It is further submitted that the employer of the workman has agreed to pay and on behalf of the said workman has agreed to accept half-monthly payments at the rate of \$ for the period of the said temporary disablement. This agreement is subject to the condition that the amount of the half-monthly payments may be varied in accordance with the provisions of the said Ordinance on account of an alteration in the earnings of the said workman during disablement. It is further stipulated that all rights of commutation under section 8 of the said Ordinance are unaffected by this agreement. It is therefore requested that this memorandum be duly recorded.

It is further submitted that the employer has paid and/or agreed to pay the sum of \$ only in respect of this agreement (including all negotiations and proceedings preliminary thereto) to the solicitor and/or counsel for the workman, as costs.

Dated

Signature of employer

Witness

Signature of workman

Witness

(NOTE.—An application to register an agreement can be presented under the signature of one party provided that the other party has agreed to the terms. But both signatures should be appended, whenever possible.)

Receipt (to be filled in when the money has actually been paid.)

In accordance with the above agreement, I have this day received the sum of \$



Workman.

Dated 19 .

The money has been paid and this receipt signed in my presence.

Witness.

FORM R.

(See Regulation 40.)

Whereas an agreement to pay compensation is said to have been reached between and

And whereas had/have applied to the Commissioner for Workmen's Compensation for registration of the agreement under section 31 of the Workmen's Compensation Ordinance, notice is hereby given that the said agreement will be taken into consideration by the Commissioner at o'clock on the day of , 19 , at and that any objections to the registration of the said agreement should be made on the date and at the place aforesaid. In the absence of valid objections, it is the Commissioner's intention to proceed to the registration of the agreement.

Registrar.

Dated 19 .

FORM S.

(See Regulations 40 and 41.)

Take notice that registration of the agreement to pay compensation said to have been reached between you and on the , 19 , has been refused by the Commissioner for Workmen's Compensation for the following reasons, namely:—

Registrar.

Dated 19 .

FORM T.

(See Regulation 41.)

Whereas an agreement to pay compensation is said to have been reached between and

And whereas has/have applied to the Commissioner for Workmen's Compensation for registration of the agreement under section 31 of the Workmen's Compensation Ordinance, and whereas it appears to the Commissioner that the said agreement ought not to be registered for the following reasons, namely:—

an opportunity will be afforded to you of showing cause at o'clock on the day of , 19 , at why the said agreement should be registered. If no adequate cause is shown on that date, registration of the agreement will be refused.

Registrar.

Dated , 19

FORM U.

(See Regulation 41.)

Whereas an agreement to pay compensation is said to have been reached between and

And whereas has/have applied to the Commissioner for Workmen's Compensation for registration of the agreement under section 31 of the Workmen's Compensation Ordinance. And whereas it appears to the Commissioner that the said agreement ought not to be registered for the following reasons, namely:—

an opportunity will be afforded to the said of showing cause at o'clock on the day of 19 , why the said agreement should be registered. Any representation which you have to make with regard to the said agreement should be made on that date. If adequate cause is then shown, the agreement may be registered.

Registrar.

Dated 19 .

T. IX.

FORM V.
(See Regulation 43.)

Register of agreements for the year 19 .

Serial number.	Date of agreement.	Date of registration.	Employer.	Workman.	Initials of Registrar.	Reference to orders rectifying the register.	Address of person against whom order made.	Amount and particulars.

FORM W.
(See Regulation 44.)

Register of orders for the year.

Serial number.	Date of order.	Date of registration.	Employer.	Workman.	Initials of Registrar.	Reference to orders rectifying the register.	Address of person against whom order made.	Amount and particulars.

6

Workmen's Compensation. [Ch. 22. No. 14.

Rules of Court under the Workmen's Compensation Ordinance.

1. In these rules, unless there is anything repugnant in the subject or context:—
 - (a) " The Ordinance " means the Workmen's Compensation Ordinance;
 - (b) " Form " means the form in the Appendix to these rules;
 - (c) " Section " means a section of the Ordinance;
 - (d) " The Registrar " means the Registrar of the Supreme Court;
 - (e) " Commissioner " means a Commissioner for workmen's compensation.

APPLICATIONS FOR LEAVE TO APPEAL.

2. Applications to the Full Court for leave to appeal shall be by notice of motion, which shall set out the point or points of law involved in the appeal.
3. The notice of motion shall be supported by an affidavit of such facts as it may be necessary to state to enable the Full Court to decide the question before it.
4. The notice of motion shall be entered at the Registrar's Office within 8 days from the date of the decision or order complained of, and shall be served together with the affidavit in support on every party affected thereby at least 8 days before the date of hearing set out in the notice of motion.

APPEALS.

5. Every appeal shall be by notice of motion, which shall set out the point or points of law involved in the appeal, and shall state whether all or part only of the decision or order is complained of.
6. The notice of motion shall be entered in the Registrar's Office—
 - (a) in cases where the Commissioner grants his certificate under section 34 (1), or where the party appeals as of right under section 34 (2), within 14 days from the date of the decision or order complained of; and
 - (b) in cases where leave is granted by the Full Court, within 3 days from the date when the judgment of the Full Court is given;
 and shall be served on every party affected thereby at least 14 days before the date of the hearing set out in the notice of motion.
7. It shall be the duty of the Registrar forthwith upon the entry of the appeal to apply in the Form on behalf of the Full Court to the Commissioner for a copy of the notes of evidence given and the record of the proceedings of the matter, and for a statement of his judgment or finding on any question of law under appeal.
8. Any party shall be entitled, on payment of the proper fee, to obtain from the Registrar an office copy of such notes, record and statement.
9. An appeal shall not operate as a stay of execution or of proceedings under the decision or order appealed from except so far as a Judge or the Full Court may order.
10. The Full Court shall have power to extend the time for appealing or to amend the notice of motion or to make any other order, on such terms as the Court shall think just, to ensure the determination on the merits of the real questions in controversy between the parties.
11. All decisions given by the Full Court shall, unless the Full Court otherwise directs, be drawn up by the Registrar and shall be filed by the successful party or by such other party as the Full Court directs, within seven days from the date thereof.

APPENDIX.

FORM.

IN THE SUPREME COURT OF TRINIDAD AND TOBAGO.

Appellate Jurisdiction.

No. 19 .

IN THE MATTER OF THE WORKMEN'S COMPENSATION ORDINANCE.

Between

and

Appellant.

Respondent.

To THE COMMISSIONER.

You are hereby notified that a notice of appeal in the above-named matter has been filed on the _____ day of _____, 19____, under section 34, and the same will be heard on Tuesday the _____ day of _____, 19____.

You are requested to forward for the use of the Full Court a copy of the notes of evidence and of the record of the proceedings of the matter and a statement of your judgment or finding on any question of law under appeal.

Dated the _____ day of _____, 19____.

Registrar.

MEDICAL REFEREES.

G.N. 116-
1946.**Regulations made under the Workmen's Compensation Ordinance.**

1. These regulations may be cited as the Workmen's Compensation (Medical Referees) Regulations.

2. In these Regulations:—

“medical referee” means a member of the Medical Board of Trinidad appointed by the Governor in Council to act as medical referee for the purposes of the Ordinance;

“reference” means the appointment of a medical referee to give a certificate in pursuance of section 13;

“section” means section of the Ordinance;

“the Ordinance” means the Workmen's Compensation Ordinance.

3. A medical referee shall not accept any reference under these regulations unless signed or countersigned by the Registrar and sealed with the seal of the Supreme Court.

4. The date fixed by the medical referee for the examination of the workman shall be as early as practicable, and in any case not later (except in unavoidable circumstances) than the seventh day after the referee receives the reference.

5. Every medical referee shall send to the Registrar at the end of each quarter statements (accompanied by any vouchers necessary), in the forms prescribed in the Schedule to these Regulations, of the fees due to him for the quarter under these Regulations.

6. In cases where a claim is made under these Regulations in respect of mileage allowance, the medical referee, in submitting his quarterly statements under the preceding regulation, shall certify the distance of the place to which he was compelled to travel from his residence or other prescribed centre.

7. The Registrar shall keep a record, in the form prescribed in the Schedule to these Regulations, of all references made under these Regulations.

8. Every medical referee shall forthwith, on receipt of a reference duly signed and sealed, fix a time and place for the examination of the workman, and shall send notice accordingly to the workman and to the employer.

9. Before giving the certificate required by the reference the medical referee shall personally examine the workman and shall consider any statements that may be made or submitted by either party.

10. The certificate given by the medical referee shall be according to the form prescribed in the Schedule to these Regulations.

11. The medical referee shall forward his certificate to the Registrar.

12. The following shall be the Scale of Fees to be paid to the medical referee in relation to a reference under these Regulations—

(i) for examination of the injured workman, issue of certificate, and all other duties performed in connection with the reference—fifteen dollars.

(ii) where in order to examine the injured workman the medical referee is compelled to travel to a place distant more than two miles from his residence or such other centre as may be prescribed by the Governor in Council, in addition to the above fee—twelve cents for each mile beyond two from such residence or centre.

SCHEDULE.

FORM A.

Notice by Medical Referee to Workman or Solicitor acting on Workman's
Behalf in case of a Reference under Section 13.

WORKMEN'S COMPENSATION ORDINANCE.

To

I hereby give you notice that in accordance with the Reference made to me in your case (or, if notice is addressed to the solicitor), in the case of [name and address of workman], by the Registrar under Section 13 of the above-named Ordinance I propose to examine you (or the said) at on the day of at o'clock.

And you are required to submit yourself (or the said is required to submit himself) for examination accordingly.

Any statements made or submitted by you (or, if notice is addressed to the solicitor, by the workman) will be considered.

Dated this day of

(Signed)

Medical Referee.

FORM B.

Notice by Medical Referee to Employer or Solicitor Acting on Employer's
Behalf in Case of a Reference under Section 13.

WORKMEN'S COMPENSATION ORDINANCE.

To

I hereby give you notice that in accordance with the Reference made to me by the Registrar under section 13 of the above-named Ordinance, in the case of [name and address of workman], I propose to examine the said at on the day of , at o'clock.

Any statements made or submitted by you [or, if notice is addressed to the solicitor, by the employer] will be considered.

Dated this day of

(Signed)

Medical Referee.

FORM C.

Certificate of Medical Referee under Section 13.

WORKMEN'S COMPENSATION ORDINANCE.

In accordance with the Reference made to me on [date of Order of Reference] by the Registrar upon the application of [name and address of party or parties] I have on the day of examined [name of workman] and I hereby certify that:—

1. The condition of the said [name of workman] is as follows:—

[describe condition of workman, stating whether he has wholly or partially recovered—see footnote—from the injury by accident and stating whether workman is fit for his ordinary or other work, specifying where necessary the kind of work, or whether he is unfit for work of any kind].

Ch. 22. No. 14.] *Workmen's Compensation.*

2. The incapacity of the said [name of workman].

[State whether the incapacity has ceased or to what extent, if any, the incapacity is due to the accident].

Dated this day of

(Signed)

Medical Referee.

Footnotes.

Either paragraph 1 or paragraph 2 to be filled up, or both to be filled up, according to the terms of the Reference.

In dealing with the question of recovery, if the Referee finds that the workman is no longer physically incapacitated for work as a result of the accident, but that the workman's condition is such that there is a reasonable probability of the workman becoming again incapacitated through the effects of the accident the Referee should include a statement as to his findings.

FORM D.

Medical Referee's Statement of Fees in respect of Reference under Section 13 of the Workmen's Compensation Ordinance.

Court No. of matter	Names of parties	Date on which reference received from Registrar	Court from which received	Date of Examination	Place of Examination	Date on which certificate or report sent to Registrar	AMOUNT OF FEES	
							Reference including examination and certificate or report	Mileage allowance (see certificate of distance and scale of fees on back.)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
							\$	\$
Totals ...								
							Total ...	\$

(Signed)

Date

Medical Referee.

A reference should be given to the number of the letter authorising the expenditure, and a receipt for each payment made by the referee should be attached.

Endorsement to be made on back of statement.

I hereby certify that I examined the workman on at which is distant miles from my residence (or prescribed centre).

(Signed)

FORM E.

Record of References and Summonses to be kept by Registrar.

Court holden at _____, Name of Registrar.
 Record for the Quarter ended _____

Court No. of matter	Names of parties	REFERENCES				Name of medical referee appointed	Date and No. of previous reference, if any, in same case
		Date on which reference forwarded to referee	Provision in the Ordinance under which reference is made	Whether workman directed to attend on referee or not	Date on which Registrar received referee's certificate or report		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Rules of Court under the Workmen's Compensation Ordinance, Section 35. G.N. 117—1946.

1. In these rules, unless there is anything repugnant in the subject or context:—

- "The Ordinance" means the Workmen's Compensation Ordinance;
- "Form" means a form in the Appendix to these rules;
- "Section" means a section of the Ordinance;
- "The Registrar" means the Registrar of the Supreme Court;
- "Commissioner" means a Commissioner for workmen's compensation;
- "Medical Referee" means a member of the Medical Board of Trinidad and Tobago appointed by the Governor in Council to act as Medical Referee for the purposes of the Ordinance;
- "Reference" means the appointment of a Medical Referee to give a Certificate in pursuance of Section 13.

APPLICATION FOR REFERENCE TO MEDICAL REFEREE UNDER SECTION 13 OF THE ORDINANCE.

(1) With respect to applications to the Registrar pursuant to section 13, to refer any matter to a medical referee, the following provisions shall have effect.

(2) Form (1): An application to the Registrar to refer any matter to a medical referee shall be made in writing, and where the application is made by only one of the parties shall be made on not less than four days' notice in writing and shall contain a statement of the facts which render the application necessary, according to the form in the Appendix, and shall be accompanied by a copy of the report of every medical practitioner who has examined the workman either on behalf of the employer or on the selection of the workman.

The application shall be signed by or on behalf of one or both of the parties as the case be; and the applicant or applicants shall file copies of the application and reports for the use of the medical referee.

(3) Form (2): On the hearing of the application the Registrar may, subject to appeal to a Commissioner refer the matter to a medical referee; and shall forward

to such medical referee by registered post one of the filed copies of the application and reports, with an order of reference according to the form in the Appendix: Provided that where the application is made by only one of the parties the Registrar or on appeal a Commissioner, if he is of opinion that owing to the exceptional difficulty of the case or for any other sufficient reason the matter ought to be settled in default of agreement by arbitration, shall refuse to allow the reference, and may in that case make such order as to the costs of the application as he shall think fit.

(4) Form (3): The Registrar shall also make an order directing the workman to submit himself for examination by the medical referee, subject to and in accordance with any regulations made by the Governor.

(5) Before making such order the Registrar shall inquire whether the workman is in a fit condition to travel for the purpose of examination, and if satisfied that he is in a fit condition shall by the order direct him to attend at such time and place as the referee may fix, and if satisfied that he is not in a fit condition to travel shall so state in the order of reference: and it shall be the duty of the workman, on being served with the order, to submit himself for examination accordingly.

(6) The Registrar shall deliver or send by registered post to each party a copy of the order of reference, and shall send to the workman a copy of the order directing him to submit himself for examination.

(7) The medical referee shall forward his certificate in the matter to the Registrar by registered post.

(8) Form (4): On the receipt of the certificate of the medical referee the Registrar shall inform the parties by post that it has been received, and shall permit any party to inspect the same during office hours, and shall on the application and at the cost of either party furnish him with a copy of the certificate, or allow him to take a copy thereof.

(9) The costs of any application to the Registrar may be allowed as costs in any subsequent arbitration for the settlement of the weekly payment to be made to the workman, or, where the application is made after the weekly payment has been settled, as costs in any subsequent arbitration as to the review of such weekly payment or may be allowed by special order of a Commissioner on application in that behalf, such application to be made on not less than four days' notice in writing.

APPEALS FROM THE REGISTRAR TO THE COMMISSIONER (SECTION 13).

(10) Form (5): If the Registrar on the application of one party refers the matter to a medical referee under section 13 (1) the other party (in this Rule called "the Appellant") if aggrieved and desirous of appealing therefrom shall, within 4 days of receiving notification from the Registrar of the reference, file with the Registrar a request for entry of the appeal stating the grounds of appeal and stating also the names and addresses of the persons intended to be served (in this Rule called "the Respondents") and the appellant's address for service, together with as many copies of the request as there are respondents.

(11) Form (6): On the filing of such request the Registrar shall:—

(1) Enter the appeal in the books of the Court and fix a day for the hearing of the appeal by a Judge in Chambers.

(2) Serve on the appellant and respondent a notice in Form (6) by delivering at or posting the same to them at the address contained in the request.

FORM I.

Application for Reference to Medical Referee, Rule (2).

IN THE MATTER OF THE WORKMEN'S COMPENSATION ORDINANCE.

In the matter of a claim for compensation made by A.B. of _____, against C.D. & Co., Limited, of _____ (or where an arbitration is pending):—

In the matter of an arbitration between A.B. of (address) _____ (description) _____

Applicant.

C.D. & Co., Limited of _____ and _____ (address) _____ (description) Respondents.

(or where application is made after weekly payment has been settled):—

In the matter of an agreement (or a decision or award or certificate) recorded in the above-mentioned Court as to the weekly payment payable to A.B. of _____, by C.D. & Co., Limited, of _____, of _____

Application is hereby made to the Court on behalf of the above-named A.B. and C.D. & Co., Limited, for a reference in the above-mentioned matter to a medical referee pursuant to subsection (1) of section 13 of the above-mentioned Ordinance under the following circumstances:—

1. On the _____ day of _____ notice was given by (or on behalf of) the abovementioned A.B. to the abovementioned C.D. & Co., Limited, of personal injury caused to the said A.B. by accident arising out of and in the course of his employment, in respect of which injury the said A.B. claims compensation from the said C.D. & Co. Limited, under the Ordinance.

(or where an arbitration is pending):—

1. An arbitration under the Ordinance is pending between the above-mentioned A.B. and the abovementioned C.D. & Co. Limited, as to the amount of compensation payable to the said A.B. under the Ordinance in respect of personal injury caused to him by accident arising out of and in the course of his employment (or where weekly payment has been settled):—

1. Under an agreement (or a decision or award or certificate) in the above-mentioned matter recorded in this Court on the _____ day of _____ a weekly payment is payable to the said A.B. by the abovementioned C.D. & Co., Limited, as compensation in respect of personal injury caused to the said A.B. by accident arising out of and in the course of his employment.

2. The weekly payment claimed by (or payable to) the said A.B. is \$ _____

3. A question has (or questions have) arisen between the said A.B. and the said C.D. & Co., Limited, as to the condition (or fitness for employment) of the said A.B. (or as to whether (or to what extent) the incapacity of the said A.B. is due to the accident), (or as to the condition (or fitness for employment) of the said A.B. and as to whether (or to what extent) the incapacity of the said A.B. is due to the accident), and no agreement can be come to between the said C.D. & Co., Limited and the said A.B. with reference to such question (or questions).

4. The said A.B. has submitted himself for examination by a medical practitioner provided by the said C.D. & Co., Limited, (or has been examined by a medical practitioner selected by himself) (or if so, the said A.B. has submitted himself for examination by a medical practitioner provided by the said C.D. & Co., Limited, and has also been examined by a medical practitioner selected by himself), and a copy of the report of the said practitioner is (or copies of the reports of the said practitioners are) annexed to this application.

5. The applicants request that an order may be made referring the matter to a medical referee for his certificate as to the condition of the said A.B. and his fitness for employment, specifying if necessary the kind of employment

for which he is fit, (or for his certificate whether (or to what extent) the incapacity of the said A.B. is due to the accident) (or for his certificate as to the condition of the said A.B. and his fitness for employment, specifying if necessary the kind of employment for which he is fit, and as to whether (or to what extent) the incapacity of the said A.B. is due to the accident).

Dated this day of

(Signed)

Applicant.

(or Applicant's Solicitor)
C.D. & Co., Limited

or by

(Solicitors for C.D. & Co., Limited.)

Secretary.

To the Registrar.

NOTE.—Where only one party is the applicant this form shall be used with the necessary modifications.

FORM 2.

Order of Reference, Section 13, Rule (3).

(Heading as in application)

On the application of A.B. of and C.D. & Co., Limited, of (a copy of which is hereto annexed), I hereby appoint Mr. of , one of the medical referees appointed by the Governor for the purpose of the Workmen's Compensation Ordinance to examine the said (name of workman) , and to give his certificate as to the condition of the said and his fitness for employment, specifying if necessary the kind of employment for which he is fit (or his certificate whether (or to what extent) the incapacity of the said is due to the accident) (or his certificate as to the condition of the said and his fitness for employment, specifying if necessary the kind of employment for which he is fit, and as to whether (or to what extent) the incapacity of the said is due to the accident).

Copies of the reports of the medical practitioners by whom the said has been examined are hereto annexed.

The said , who is now at has been directed to submit himself for examination by the referee.

I am satisfied that the said is in a fit condition to travel for the purpose of being examined, and he has been directed to attend on the referee for examination at such time and place as may be fixed by the referee.
(or the said does not appear to be in a fit condition to travel for the purpose of being examined).

The referee is requested to forward his certificate to the Registrar at the Supreme Court, Registry, Red House, Port-of-Spain, on or before the day of

Dated this day of

Registrar.

NOTE.—Where only one party is the applicant this form shall be used with the necessary modifications.

FORM 3.

Order on Injured Workman to submit himself for Examination by Medical Referee. Rule (4).

(Heading as in application)

To A.B. , of (address and description).

Take Notice that I have appointed Mr. , of , one of the Medical Referees appointed by the Governor for the purpose of the Workmen's Compensation Ordinance, to examine you in accordance with the application in the abovementioned matter for a reference to a medical referee.

You are hereby required to submit yourself for examination by the referee and to attend for that purpose at such time and place as may be fixed by him.

Dated this day of

Registrar.

FORM 4.

Notice to Parties of Certificate of Medical Referee. Rule (8).

(Heading as in application)

Take Notice, that I have received the certificate of the Medical Referee appointed in this matter, and that you may inspect the same during office hours at my office situate at the Registry, Supreme Court, in Port-of-Spain, and may on request and at your own costs be furnished with or take a copy thereof.

Dated this day of

Registrar.

FORM 5.

Request for Entry of Appeal.

(Heading as in application)

To the Registrar

Workmen's Compensation Ordinance.

I desire to appeal against the order of the Registrar, made on the day of referring the matter to a medical-referee under Section 13 (1).

The grounds of my appeal are:—[set out grounds here].

I request you to enter my appeal for hearing.

The name and address of the respondent are:—

My address for service is:—

Dated this day of , 19 .

(Signed)
Appellant.

FORM 6.

Notice to Appellant and Respondent of Day on which Matter will be Heard.

(Heading as in application)

Take Notice that the appeal in this matter from the order of the Registrar dated the day of , 19 , referring the matter to a medical referee, will be heard by a Commissioner on the day of , 19 , at the hour of in the forenoon at the Court House, Port-of-Spain, (San Fernando) and that if you do not attend at the time and place abovementioned such order will be made as the Commissioner thinks just.

Dated this day of , 19 .

Registrar.

Workmen's Compensation Ordinance.