

**2. Medical Referees and Arbitrators
(Remuneration, &c.)**

(1) *England.* | (2) *Scotland, p. 506.*

(1) England

THE WORKMEN'S COMPENSATION (MEDICAL REFEREES IN ENGLAND AND WALES) REGULATIONS, 1932, DATED NOVEMBER 9, 1932, MADE BY THE SECRETARY OF STATE AND THE TREASURY AS TO THE DUTIES AND REMUNERATION OF MEDICAL REFEREES IN ENGLAND AND WALES UNDER THE WORKMEN'S COMPENSATION ACT, 1925 (15 & 16 GEO. 5. C. 84).

1932 No. 960

[*These Regulations (S. R. & O. 1932, p. 841) are printed as amended by Regulations, dated June 19, 1935 (S. R. & O. 1935 No. 566, p. 504 below) and October 19, 1940 (S. R. & O. 1940 (No. 2014) I, p. 1115).*]

I, the Right Honourable Sir John Gilmour, one of His Majesty's Principal Secretaries of State, and We, the Lords Commissioners of His Majesty's Treasury, in pursuance of the powers respectively conferred on us by the Workmen's Compensation Act, 1925, hereby make the following regulations and direct that they shall come into force on the 1st January, 1933.

As from the said date the existing Regulations shall be revoked, namely:—

- (i) The regulations dated June 21, 1907,(a) as to the duties and fees of certifying and other surgeons, and as to references to, and remuneration and expenses of, medical referees in England and Wales, under Section 8 of the Workmen's Compensation Act, 1906.
- (ii) The regulations dated May 10, 1910,(b) and December 17, 1923,(c) amending the said regulations of June 21, 1907.
- (iii) The Workmen's Compensation (Medical Referees in England and Wales) Regulations, 1923.(d)
- (iv) The Workmen's Compensation (Fees of Medical Referees) Regulations, 1931.(e)

6 Edw. 7 c.
58.

Part I.—Definitions and General Regulations

1. These regulations shall apply to England and Wales, and may be cited as the Workmen's Compensation (Medical Referees in England and Wales) Regulations, 1932.

- (a) S.R. & O. 1907 (No. 484) p. 445.
- (b) S.R. & O. 1910 (No. 596) p. 433.
- (c) S.R. & O. 1923 (No. 1525) p. 460.
- (d) S.R. & O. 1923 (No. 1523) p. 465.
- (e) S.R. & O. 1931 (No. 1006) p. 754.

2. In these regulations—

- (i) "The Act" means the Workmen's Compensation Act, 1925.
- (ii) "Medical referee" means a medical practitioner appointed by the Secretary of State to act as medical referee for the purposes of the Act.
- (iii) "Scheduled disease" means a disease mentioned in the third schedule to the Act or a disease or injury to which the provisions of section 43 of the Act have been extended by Order of the Secretary of State under sub-section (3) of that section.
- (iv) "Reference" means—
 - (a) in regulations in Part II, the appointment of a medical referee to give a certificate in pursuance of section 19 of the Act ;
 - (b) in regulations in Part III, the appointment of a medical referee to give a certificate, in pursuance of section 16 of the Act, as to whether the incapacity resulting from the injury is likely to be of a permanent nature ;
 - (c) in regulations in Part IV, the appointment of a medical referee to report as to the workman's condition in pursuance of section 23 (3) (b) of the Act ;
 - (d) in regulations in Part V, the appointment of a medical referee to give a decision and certificate in pursuance of section 43 (1) (f) of the Act ;
 - (e) in regulations in Part VII, the appointment of a medical referee by a committee, arbitrator or judge to report on any matter material to any question arising in an arbitration under the Act.
- (v) "Committee" means a committee representative of an employer and his workmen, with power to settle matters under the Act in the case of the employer and workmen.
- (vi) "Agreed arbitrator" means a single arbitrator agreed on by the parties to settle any matter which under the Act is to be settled by arbitration.
- (vii) "Appointed arbitrator" means a single arbitrator appointed by the judge.
- (viii) "Judge" means County Court Judge.

3. In the case of any reference under these regulations, the medical referee shall, except as hereinafter provided, be one of those appointed by the Secretary of State for the district of the county court from which the reference is being made, provided that—

- (a) if a medical referee has been specially appointed by the Secretary of State for the purpose of deciding in any specified case or class of cases arising in the district, the reference in any such case shall be made to the medical referee so appointed ;
- (b) the judge may, in any particular case where for special reasons he thinks fit, direct that the reference shall be sent to any medical referee appointed for any other district within the county court circuit whom he may select ;

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- (c) where there has been a previous reference in any case, any subsequent reference in the same case shall, if possible, be made to the same medical referee and be accompanied by the previous report or certificate of the referee, or by a copy thereof ;
- (d) in the case of a reference under Part V of these regulations, if the surgeon by whose action the applicant is aggrieved has been appointed a medical referee, the reference shall not be made to him but to such other medical referee as may be authorised to act.

4. The medical referee shall not accept any reference under these regulations unless signed or countersigned by the registrar of a county court and sealed with the seal of the county court.

5. 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.

Forms S, T,
U and W.

6. The medical referee shall send to the Home Office 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.

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

8. In cases involving special difficulty the medical referee may apply to the Secretary of State for special expert assistance which may be granted by the Secretary of State, if he thinks fit, on such terms as to remuneration or otherwise as he may with the sanction of the Treasury determine.

Form Y.

9. The registrar of every county court shall keep a record, in the form prescribed in the schedule to these regulations, of all references made under these regulations, and of all cases in which a medical referee is summoned to sit as assessor. At the end of each quarter he shall send to the Secretary of State a copy of such record, including therein all references made during the quarter, and all summonses to medical referees to attend at the Court for the purpose of sitting as assessor on a date of hearing falling within the quarter.

Part II.—Regulations as to References under Section 19 of the Act

Forms A
and B.

10. The 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.

11. 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.

12. The certificate given by the medical referee shall be according to the form prescribed in the schedule to these regulations. Form C.

13. The medical referee shall forward his certificate to the registrar from whom he received the reference.

14. The following shall be the scale of fees to be paid to the medical referee in relation to a reference under this part of these regulations:—

- (i) For examination of the injured workman, issue of certificate, and all other duties performed in connection with the reference 2 guineas.
- (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 Secretary of State, in addition to the above fee—5s. for each mile beyond two, and up to ten, miles distant from such residence or centre, and thereafter 1s. for each mile distant therefrom.(a)

Part III.—Regulations as to References under Section 16 of the Act

15. The medical referee shall, 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. Form D.

16. Before giving the certificate required by the reference the medical referee shall make a personal examination of the workman.

17. The certificate given by the medical referee shall be according to the form prescribed in the schedule to these regulations. Form E.

18. The medical referee shall forward his certificate to the registrar from whom he received the reference.

19. The fee to be paid to a medical referee in respect of a reference (to include all the duties performed in connection therewith) under this part of these regulations shall be one guinea.(a)

Part IV.—Regulations as to References under Section 23 (3) (b) of the Act

20. Where a report as to the workman's condition is required to be obtained from a medical referee in pursuance of Section 23 (3) (b) of the Act, the report shall be obtained through the registrar of the county court who shall, on payment of the fee prescribed, forward to the medical referee an order of reference according to the form prescribed in the schedule to these regulations, together with a copy of any medical report which may have been submitted by either party and any other information that may appear relevant. Form F.

(a) Regulations 14 and 19 as amended by S.R. & O. 1935 No. 566, p. 504 below, and see now S.R. & O. 1935 No. 567, p. 505 below.

Form G. **21.** The registrar shall also make an order directing the workman to submit himself for examination by the medical referee. Before making such order the registrar shall enquire 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.

The registrar shall send to the workman a copy of the order directing him to submit himself for examination ; and it shall be the duty of the workman on being served with the order to submit himself for examination accordingly.

Form H. **22.** The medical referee shall on receipt of a reference duly signed fix a time and a place for a personal examination of the workman and shall send him notice accordingly.

23. The medical referee shall make his report in writing and shall forward it to the registrar from whom he received the reference.

24. The following shall be the scale of fees to be paid to the medical referee in relation to a reference under this part of these regulations :—

- (i) For examination of the injured workman, issue of report, and all other duties performed in connection with the reference 2 guineas.
- (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 Secretary of State, in addition to the above fee—5s. for each mile beyond two, and up to ten, miles distant from such residence or centre, and thereafter 1s. for each mile distant therefrom.(a)

Part V.—Regulations as to References under Section 43 (1) (f) of the Act

25. Where an employer or workman is aggrieved by the action of a certifying or appointed surgeon in giving or refusing to give a certificate of disablement or in suspending or refusing to suspend a workman for the purposes of Section 43 of the Act, he may—

- (a) if he is an employer, within ten days of the receipt of the notice of disablement or suspension required to be given under the Act, or, in a case of disablement, if the notice is not accompanied by the certificate of the surgeon, or a copy thereof, and the employer forthwith requires the workman to furnish him with a copy, within ten days of the receipt of such copy, or

(a) Regulation 24 as amended by S.R. & O. 1935 No. 566, p. 504 below, and see now S.R. & O. 1935 No. 567, p. 505 below.

(b) if he is a workman, within ten days of the receipt of the certificate of the surgeon,

apply to the registrar of the county court for the district in which the workman was employed at the time of his examination by the surgeon, for the matter to be referred to a medical referee; provided that it shall be within the discretion of the registrar, on good cause shown, to extend in any case by not more than seven days the period within which an application is required to be made.

26.—(a) Any application under the foregoing regulation shall be made in writing, and shall state the grounds on which the reference is asked for, in accordance with the form prescribed in the schedule to these regulations, or as near thereto as may be.

Forms J
and K.

(b) The application shall be accompanied by the certificate or a copy of the certificate obtained from the surgeon by whose action the applicant is aggrieved, and by any available report or reports of any medical practitioner by whom the workman has been examined; and, if the applicant is an employer, by the notice of disablement or suspension served on him by the workman, and by an undertaking to pay any reasonable travelling expenses incurred by the workman in attending for examination by the medical referee.

(c) The applicant shall also file with the registrar such copies of the application and other documents as aforesaid as may be necessary for the use of the medical referee and of the employer or workman, as the case may be, hereinafter referred to as the respondent, who together with the applicant is directly interested in the application.

(d) In the event of any dispute as to the amount of the travelling expenses payable to the workman by the employer, the matter may be referred to the registrar, whose decision shall be final.

27. It shall be the duty of the registrar on receiving an application to satisfy himself that it is duly made in accordance with the foregoing regulations, and if it is not, to return it for amendment. If the certificate of the surgeon on which the application is based is not in accordance with the prescribed form, he shall so inform the applicant and, if the applicant is an employer, the workman. If and when the application is in accordance with the regulations, he shall refer the matter forthwith to a medical referee, and shall forward to such medical referee by post one of the copies of the application and the other documents filed therewith, with an order of reference according to the form prescribed in the schedule.

Form L.

28. The registrar shall also make an order directing the workman to submit himself for examination by the medical referee. 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.

Form G.

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29. The registrar shall deliver or send by post to both parties a copy of the order of reference, and shall also send to the respondent copies of the other documents forwarded to the medical referee, and shall send to the workman a copy of the order directing him to submit himself for examination.

Forms M
and N.

30. The medical referee shall, on receipt of a reference duly signed and sealed, together with copies of the documents required to be sent therewith, fix a time and place for a personal examination of the workman, and shall send notice to the employer and workman accordingly. It shall be the duty of the workman, and, if the employer is the applicant, of the employer or a person duly authorised by him, to attend at the time and place fixed by the medical referee, and in the event of failure on the part of the workman or employer or both to appear as required by this regulation, the medical referee shall decide on the matter referred to him forthwith upon such information as shall be available and with or without a personal examination. Provided that where the absence of the employer or his representative or of the workman is shown to the satisfaction of the medical referee to be unavoidable, or where the medical referee considers it necessary to apply for expert assistance as provided in regulation 8, it shall be open to him to adjourn the inquiry on the reference and to resume it at such time and place as he may fix, after giving due notice to all parties concerned.

31. Except as otherwise provided by regulation 30, the medical referee shall, before deciding on the matter referred to him, make a personal examination of the workman, and shall consider any statements made or submitted by either party.

Forms P (i),
P (ii) and
P (iii).

32. The medical referee shall, by certificate, in such one of the forms prescribed in the schedule to these regulations as may be appropriate, notify in writing his decision to the registrar of the county court, and give a certificate (as required by Section 43 (1) (f) of the Act), as to the condition of the workman at the time of his examination.

33. On the receipt of the certificate of the medical referee the registrar shall send copies to the parties by post and shall permit any party to inspect the original during office hours and shall on the application of any party allow him to take a copy thereof.

34. The following shall be the scale of fees to be paid to the medical referee in relation to a reference under this part of these regulations:—

- (i) For deciding the matter referred to him and all other duties performed in connection with the reference 2 guineas.
- (ii) Where in order to examine the injured workman the medical referee is compelled to travel to a place distant more than 2 miles from his residence or such other centre as may be prescribed by the Secretary of State, in addition to the above fee, 5s. for each mile beyond two, and up to ten, miles distant from such residence or centre, and thereafter 1s. for each mile distant therefrom.(a)

(a) Regulation 34 as amended by S.R. & O. 1935 No. 566, p. 504 below.

Part VI.—Regulation as to Remuneration of Medical Referee for sitting as Assessor under the Act

35.—(1) Where in pursuance of a summons under the Act a medical referee attends at a county court for the purpose of sitting with the judge as an assessor, he shall be entitled for such attendance (to include his services as assessor) to a fee of three guineas ;

Provided that where he has been summoned to sit in more than one case on the same day, he shall be entitled, in addition to a fee of three guineas for his attendance including his services in one case, to the following fees in respect of each of the other cases :—

- (i) if he sits as assessor in the case, a fee of 3 guineas ;
- (ii) if he does not sit as assessor in the case on that day, a fee of 1 guinea.

Where in order so to attend at the court 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 Secretary of State, he shall be entitled, in addition to the above fees, to 5s. for each mile beyond two, and up to ten, miles distant from such residence or centre, and thereafter to 1s. for each mile distant therefrom.

(2) Where a medical referee is summoned to attend at the court for the purpose of sitting as assessor, but the hearing is adjourned or cancelled and notice thereof is not received by the referee till within two days (excluding Sunday) of the date for which the hearing has been fixed, the referee shall be entitled in respect of each such case to a fee of one guinea.(a)

Part VII.—Regulations as to References under Schedule I, paragraph (11) of the Act

Conditions of Reference

36. Before making any reference, the committee, arbitrator, or judge shall be satisfied, after hearing all medical evidence tendered by either side, that such evidence is either conflicting or insufficient on some matter which seems material to a question arising in the arbitration, and that it is desirable to obtain a report from a medical referee on such matter.

Form and Mode of Reference

37. Every reference shall be made in writing and shall state the matter on which the report of the medical referee is required, and the question arising in the arbitration to which such matter seems to be material. Such reference shall be in accordance with the form prescribed in the schedule to these regulations, or as near thereto as may be. Form Q.

The reference shall be accompanied by a general statement of the medical evidence given on behalf of the parties ; and if such evidence has been given before a committee or an agreed arbitrator, each medical witness shall sign the statement of his evidence, and may add any necessary explanation or correction.

(a) Regulation 35 as amended by S.R. & O. 1935 No. 566, p. 504 below, and see now S.R. & O. 1935 No. 567, p. 505 below.

Form G.

38. On making the reference to the medical referee, the committee, arbitrator or judge shall make an order in the form prescribed in the schedule, directing the injured workman to submit himself for examination by the medical referee. Before making such order they shall inquire whether he is in a fit condition to travel for the purpose of examination, and if satisfied that he is in a fit condition, they shall by the same order direct him to attend at such time and place as the referee may fix.

It shall be the duty of the injured workman to obey any such order.

If the committee, arbitrator or judge is satisfied that the workman is not in a fit condition to travel, they shall so state in the reference.

39. The reference shall be signed, if made by a committee, by the chairman and secretary of the committee; if made by an agreed arbitrator, by the arbitrator; if made by a judge or an appointed arbitrator, by the judge or arbitrator, or by the registrar of the county court in which the arbitration is pending.

40. A committee or an agreed arbitrator, making a reference, shall, without naming a medical referee, address the reference in general terms to "one of the medical referees appointed by the Secretary of State for the purposes of the Workmen's Compensation Act, 1925," and shall forward it to the registrar of the county court of the district in which the case arises.

Duties of Registrar

41.—(1) In the case of a reference by a committee or agreed arbitrator, the registrar on receiving the reference—

- (a) shall see that the reference is in accordance with these regulations, and if it is not, shall return it for amendment;
- (b) shall insert the name of the medical referee proper to be appointed;
- (c) shall, when the reference is in accordance with these regulations, countersign and seal it, and forward it forthwith to the medical referee.

(2) In the case of a reference by a judge or an appointed arbitrator, the registrar of the court in which the arbitration is pending shall sign (or countersign) and seal it, and forward it forthwith to the medical referee.

42. The registrar, on receiving a report from a medical referee under regulation 44, shall forthwith file a copy at the court and transmit the report to the committee, arbitrator or judge by whom the reference was made.

If the committee, arbitrator, or judge shall direct that the parties be at liberty to inspect the report, the registrar shall on receiving notice of such direction permit such inspection to be made during office hours, and shall on the application and at the cost of any party furnish him with a copy of the report or allow him to take a copy thereof.

Report of Medical Referee

43. The medical referee shall, on receipt of a reference duly signed and sealed, appoint a time and a place for the examination of the workman, and shall send him notice accordingly. Form R.

44. The medical referee shall give his report in writing, and shall forward it to the registrar from whom he received the reference.

45. The committee, arbitrator or judge may, by request signed and forwarded in the same manner as the reference, remit the report to the medical referee for a further statement on any matter not covered by the original reference.

46. The following shall be the scale of fees to be paid to the medical referee in relation to a reference under this part of these regulations :—

- (i) For examination of the injured workman, issue of report, and all other duties performed in connection with the reference 2 guineas.
- (ii) For a further statement under regulation 45 on any matter not covered by the original reference 1 guinea.
- (iii) 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 Secretary of State, in addition to the above fee—5s. for each mile beyond two, and up to ten, miles distant from such residence or centre, and thereafter 1s. for each mile distant therefrom.(a)

John Gilmour,
One of His Majesty's Principal
Secretaries of State.

A. Lambert Ward,
Austin Hudson,
Two of the Lords Commissioners of
His Majesty's Treasury.

9th November, 1932.

(a) Regulation 46 as amended by S.R. & O. 1935 No. 566, p. 504 below.

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SCHEDULE

FORM A

Notice by Medical Referee to Workman or Solicitor acting on Workman's behalf in case of a reference under Section 19 of the Act.

Workmen's Compensation Act, 1925

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 of the County Court of _____ holden at _____, under Section 19 of the above-named Act, 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 19 of the Act

Workmen's Compensation Act, 1925

To

I hereby give you notice that in accordance with the Reference made to me by the Registrar of the County Court of _____ holden at _____, under Section 19 of the above-named Act, 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.

Medical Referees and Arbitrators (Remuneration, etc.) (England)

FORM C. (a).

Certificate of Medical Referee under Section 19 of the Act

Workmen's Compensation Act, 1925

In accordance with the Reference made to me on _____ (date of
Order of Reference) by the Registrar of the County Court of
holden at _____ 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 (or
scheduled disease), 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.)

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 or scheduled disease.)

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.

If the Medical Referee finds that the incapacity of the workman is due
partly to the accident or scheduled disease and partly to some other cause
or causes extraneous to the accident or disease, he should state this in his
certificate and should specify the kind of work, if any, which the work-
man would be capable of doing if the only deterioration in his condition
had been that occasioned by the accident and without reference to that
due to extraneous causes.

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 or of the attack of the disease, but that the workman's condition
is such that either (a) there is a reasonable probability of the workman
becoming again incapacitated through the effects of the accident or
through a recrudescence of the attack of the disease, or (b) there is, as
a result of the attack, an increased susceptibility to a fresh attack of the
disease, the Referee should include a statement as to his findings.

If the Order of Reference and the documents which accompanied it
show that the decision of the Referee is desired as to the workman's
condition or fitness for employment (or as to whether or to what extent
his incapacity was due to the accident) at some date previous to the date
of the Referee's examination (see section 12 of the Act), the Referee
should deal with this point also, so far as he can.

(a) Form C as substituted by S.R. & O. 1940 No. 2014.

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FORM D

*Notice by Medical Referee to Workman in case of a reference under
Section 16 of the Act*

Workmen's Compensation Act, 1925

To

I hereby give you notice that in accordance with the Reference made to me in your case by the Registrar of the County Court of holden at under Section 16 of the above-named Act, I propose to examine you at on the day of at o'clock, and you are required to submit yourself for examination accordingly.

Dated this day of

(Signed)

Medical Referee.

FORM E

Certificate of Medical Referee under Section 16 of the Act

Workmen's Compensation Act, 1925

In accordance with the Reference made to me by the Registrar of the County Court of holden at under Section 16 of the above-named Act, I have on the day of examined (name and address of workman) and I hereby certify that the incapacity of the said (name and workman) resulting from the injury is [or is not] likely to be of a permanent nature.

Dated this day of

(Signed)

Medical Referee.

FORM F

*Reference to a Medical Referee for report as to Workman's condition in
connection with application for Registration of Memorandum of
Agreement (Section 23 (3) (b) of the Act)*

Workmen's Compensation Act, 1925

In the County Court of holden at
In the matter of the Workmen's Compensation Act, 1925,
and
In the matter of an agreement between
of and
of and

Medical Referees and Arbitrators (Remuneration, etc.) (England)

Whereas a memorandum of the above-mentioned agreement for the payment of a lump sum has been sent to me for registration, and whereas the information as to the workman's condition appears to be insufficient (*or conflicting*), and it is deemed desirable that a report as to the workman's condition should be obtained from a medical referee, on the following matter, namely:—

I therefore appoint Mr. _____ of
one of the medical referees appointed by the Secretary of State for the
purposes of the said Act, to examine the said _____ (*name*
of workman) and to report to me on the matter specified above.

Copies of medical reports submitted by the parties are hereto annexed.

I am satisfied that the said
who is now at _____
is in a fit condition to travel for the purpose of being examined
or does not appear to be in a fit condition to travel for the purpose of
being examined.

The referee is requested to forward his report to the Registrar at the
County Court Office situate at _____ on or before the
day of _____

Dated this _____ day of _____

*Signature of Registrar
and Seal of Court.*

To the above-mentioned
and _____

FORM G

Order on injured Workman to submit himself for examination by Medical Referee

(Heading as in Reference)

To _____ of _____ *Address.*
Description.

TAKE NOTICE—

That Mr. _____ of _____
one of the medical referees under the Workmen's Compensation Act,
1925, has been appointed to examine you for the purposes of the
above-mentioned matter and to report (*or issue his certificate*).

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

Dated this _____ day of _____

(To be signed in the same manner as Reference.)

† Strike out
from "and to
attend"
when injured
workman
does not
appear to
be in a fit
condition to
travel.

WORKMEN'S COMPENSATION

FORM H

Notice by Medical Referee to injured Workman in case of a Reference under Section 23 (3) (b) of the Act

Workmen's Compensation Act, 1925

To

I hereby give you notice that I have been required to examine and report as to your condition under Section 23, Sub-section (3) (b), of the above-named Act and that I propose to make such examination at on the _____ day of _____ at _____ o'clock, and you are required to submit yourself for examination accordingly.

Dated this _____ day of _____

(Signed)

Medical Referee.

FORM J

Application by Employer for Reference to Medical Referee under Section 43 (1) (f) of the Act

In the County Court of _____ holden at _____

In the matter of the Workmen's Compensation Act, 1925,

and

In the matter of a Certificate of Disablement (or Suspension) granted in the case of _____ (name and address of workman) in pursuance of the provisions of sections 43 and 44 of the above-mentioned Act and the regulations made thereunder by the Secretary of State.

Application for a reference in the above-mentioned matter to a medical referee, pursuant to section 43, sub-section (1) (f), of the Act and to the above-mentioned regulations, is hereby made on behalf of _____ (name and place of business of applicant) who states:—

1. That on the _____ day of _____ notice of disablement (or suspension) was given to the applicant by the above-mentioned _____ under the provisions of the said Act.

2. That the said notice was consequent on a certificate of disablement given (or order of suspension made), on the _____ day of _____ in pursuance of the said Act and regulations, by Mr. _____ the certifying surgeon under the Factory and Workshop Act, 1901, for the district of _____ (or a medical practitioner appointed by the Secretary of State to have the powers and duties of a certifying surgeon under Sections 43 and 44 of the Workmen's Compensation Act, 1925, or a surgeon appointed in pursuance of _____ (describe special rules or regulations under the Factory Act) at _____ (name of factory or other place of employment)).

WORKMEN'S COMPENSATION

1. That on the _____ day of _____ applicant applied to Mr. _____, the certifying surgeon under the Factory and Workshop Act, 1901, for the district of _____ (or a medical practitioner appointed by the Secretary of State to have the powers and duties of a certifying surgeon for the purposes of sections 43 and 44 of the Workmen's Compensation Act, 1925, or a surgeon appointed in pursuance of _____ (*describe special rules or regulations under the Factory Act*) at _____ (*name of factory, or other place of employment*)), for a certificate of disablement (or to be suspended) in respect of _____ a disease to which the provisions of section 43 of the Workmen's Compensation Act, 1925, apply.

2. That the said Mr. _____ thereupon issued a certificate, dated _____ day of _____, which is annexed to this application.

3. That the applicant is aggrieved by the action of the said Mr. _____ in issuing the said certificate, and claims that he was suffering from the said disease, and was thereby disabled from earning full wages at the work at which he was employed (and that such disablement commenced on a date other than the date certified in or otherwise fixed by the said certificate) (*or in the case of a refusal to suspend, that he had contracted the said disease and was thereby entitled, in accordance with the special rules (or regulations) made under the Factory and Workshop Act, 1901, for the process in which he was employed, to be suspended*), in support of which claim he mentions the following circumstances:—*

* State grounds of claim, *e.g.*, report, if any, of doctor employed by applicant.

4. That the employer on whom the applicant, if the matter is referred to a medical referee and decided in favour of the applicant, would serve the statutory notice of disablement (*or suspension*) is _____ (*name and place of business of employer*).

Two copies of this application and the certificate of the surgeon (together with the above-mentioned report of the medical practitioner employed by applicant and two copies thereof) are annexed hereto.

Dated this _____ day of _____
(Signed)

Applicant.

To the Registrar.

FORM L

Order of Reference to Medical Referee under Section 43 (1) (f) of the Act

Workmen's Compensation Act, 1925

In the County Court of _____ holden at _____
(*Heading as in application.*)

On the application of _____ (a copy of which is hereto annexed), I hereby appoint Mr. _____ of _____, one of the medical referees appointed by the Secretary of State for the purposes of the above-mentioned Act, to decide on the matter arising on the said application.

Medical Referees and Arbitrators (Remuneration, etc.) (England)

Copies of the notice and certificate of disablement (*or* suspension), (and of a report of a medical practitioner by whom the workman referred to in the application has been examined), are hereto annexed.

Or, if the workman is the applicant,

A copy of the certificate of the surgeon referred to in the application (together with a copy of a report of a medical practitioner by whom applicant has been examined), is 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.]

Dated this _____ day of _____

Registrar.

FORM M

Notice by Medical Referee to Workman, or Solicitor acting on Workman's behalf, in case of a Reference under Section 43 (1) (f) of the Act

Workmen's Compensation Act, 1925

I hereby give you notice that I have received from the Registrar of the County Court at _____, an order of reference appointing me to decide on your appeal (*or, if notice is addressed to the solicitor, the appeal of* _____ (*name and address of workman*)) against the action of Mr. _____ (*name of surgeon*) in issuing a certificate under Section 43 (1) (f) of the Act.

Or, if the employer is the appellant,

on the appeal made by _____ (*name of employer*) against the action of Mr. _____ (*name of surgeon*) in giving a certificate of disablement to you (*or, to the said* _____ (*name of workman*)) (*or in suspending you (or, the said* _____ *)*)).

And that you are required to submit yourself (*or, the said* _____ *is required to submit himself*) for examination at _____ on the _____ day of _____ at _____ o'clock.

Any statement made or submitted by you (*or, by the workman*) shall be considered.

Dated this _____ day of _____
(Signed)

Medical Referee.

To

WORKMEN'S COMPENSATION

FORM N

Notice by Medical Referee to Employer, or Solicitor acting on Employer's behalf, in case of a Reference under Section 43 (1) (f) of the Act

Workmen's Compensation Act, 1925

I hereby give you notice that I have received from the Registrar of the County Court at _____, an order of reference appointing me to decide on your appeal (or, if notice is addressed to the solicitor, the appeal of _____ (name and address of employer)) against the action of Mr. _____ (name of surgeon) in giving a certificate of disablement to (or in suspending) _____ (name of workman)

Or, if the workman is the appellant,

on the appeal made by _____ (name of workman) against the action of Mr. _____ (name of surgeon) in issuing a certificate under Section 43 (1) (f) of the Act;

And that I propose to examine _____ (name of workman) at _____ on the _____ day of _____ at _____ o'clock.

Any statement made or submitted by you shall be considered.

Add, if the employer is the appellant,

You, or some person duly authorised by you, are hereby required to attend at the above time and place.

Dated this _____ day of _____
(Signed)

Medical Referee.

To _____

FORM P. (i)

DECISION OF MEDICAL REFEREE UNDER SECTION 43 (1) (f) OF THE WORKMEN'S COMPENSATION ACT, 1925, DISMISSING AN APPEAL AGAINST THE ACTION OF THE CERTIFYING OR OTHER SURGEON IN GIVING OR REFUSING TO GIVE A CERTIFICATE OF DISABLEMENT, TOGETHER WITH CERTIFICATE OF MEDICAL REFEREE AS TO THE PRESENT CONDITION OF THE WORKMAN

Decision under Section 43 (1) (f) of the Workmen's Compensation Act, 1925

(Heading as in the application for the Reference.)

I hereby give you notice that having duly inquired into the above-mentioned matter in accordance with the Regulations of the Secretary of State, I decide as follows:—

I dismiss the appeal of _____ (name of employer) against the certificate of disablement given to _____ (name of workman) on the _____ day of _____

or

I dismiss the appeal of _____ (name of workman) against the certificate issued to him by _____ (name of surgeon) on his application for a certificate of disablement in respect of _____ (name scheduled disease).

Certificate as to workman's present condition.

WORKMEN'S COMPENSATION

I find that the said (name of workman) was, at the time of his examination by the Certifying Surgeon, suffering from (name scheduled disease), and was thereby disabled from earning full wages at the work at which he was employed. And I fix the day of as the date on which the disablement from the said disease commenced.

Certificate as to workman's present condition.

And I hereby certify that the present condition of the workman as ascertained by my examination is as follows:—*

Dated this day of
(Signed)

Medical Referee.

To the Registrar.

* Here state whether the workman is or is not suffering from the scheduled disease, and in the former case, whether he is thereby disabled from earning full wages at the work at which he was employed, and if so whether he is fit for any other kind of work, specifying where necessary the kind of work for which he is fit. If the Referee finds that the workman is no longer physically incapacitated for work as a result of the attack of the disease, but that the workman's condition is such that either (a) there is a reasonable probability of the workman becoming again incapacitated through a recrudescence of the attack of the disease, or (b) there is, as a result of the attack, an increased susceptibility to a fresh attack of the disease, the Referee should include a statement as to his findings.

If the workman failed to appear for personal examination by the Referee, the Referee should, when giving his decision as above, certify accordingly in the second part of the certificate.

FORM P (iii)

DECISION OF MEDICAL REFEREE UNDER SECTION 43 (1) (f) OF THE WORKMEN'S COMPENSATION ACT, 1925, DISMISSING OR ALLOWING AN APPEAL AGAINST THE ACTION OF THE CERTIFYING OR OTHER SURGEON IN SUSPENDING OR REFUSING TO SUSPEND THE WORKMAN, TOGETHER WITH CERTIFICATE OF MEDICAL REFEREE AS TO THE PRESENT CONDITION OF THE WORKMAN

Decision under Section 43 (1) (f) of the Workmen's Compensation Act, 1925

(Heading as in the application for the Reference.)

I hereby give you notice that having duly inquired into the above-mentioned matter in accordance with the Regulations of the Secretary of State, I decide as follows:—

I dismiss (or allow) the appeal of (name of employer) against the suspension of (name of workman) on the day of on account of his having contracted (name scheduled disease).

or

I dismiss (or allow) the appeal of (name of workman) against the refusal of (name of surgeon) to suspend him on the day of on account of his having contracted (name scheduled disease).

WORKMEN'S COMPENSATION

conflicting (or insufficient) on a matter which seems to us (or me) to be material to a question arising in the above-mentioned arbitration, and that it is desirable to obtain a report from a medical referee on such matter, as follows:—

Insert name of injured workman. (A) On the _____ day of _____ personal injury was (or is) alleged to have been caused to by accident arising out of and in the course of his employment, under the following circumstances:—

†Here state the facts of the accident as ascertained from the evidence.

Or, in a case of industrial disease to which the Act applies—

Insert name of injured workman. (A) On the _____ day of _____ the said _____ was, under section 43 of the above-named Act, certified to be disabled by, or suspended from his usual employment on account of his having contracted, a disease to which the said section applies, namely, †

†Name scheduled disease.

(B) The matter on which we are (or I am) satisfied that it is desirable to obtain a report is—

(C) Such matter seems to be material to the following question arising in the arbitration, viz.:—

§The name must, if the reference is made by a committee or agreed arbitrator, be left in blank to be inserted by the Registrar.

We (or I) therefore appoint § one of the medical referees appointed by the Secretary of State for the purposes of the above-named Act, to examine the said* on the matter specified above, and to report to us (or me).

A statement of the medical evidence given before us (or me) is appended.

We are (or I am) satisfied that the said* who is now at _____, 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 shall be fixed by the referee; or does not appear to be in a fit condition to travel for the purpose of being examined.

The referee is requested to forward his report to—

The Registrar,
County Court Office,
day of _____

on or before the _____

Dated this _____ day of _____

(Signed)**

** For signature of judge or arbitrator.

or On behalf of the Committee

Chairman } of Committee.
Secretary }

Signature of Registrar and
Seal of Court.

A previous reference was made to a medical referee in this case on the _____ day of _____ and a copy of the report thereupon given is attached.

Medical Referees and Arbitrators (Remuneration, etc.) (England)

FORM R

Notice by Medical Referee to injured Workman (Schedule I. (11) of the Act).

Workmen's Compensation Act, 1925

To

I hereby give you notice that I have been appointed to report on your case under Schedule I, paragraph 11, of the above-named Act, and that I propose to examine you at _____ on the _____ day of _____ at _____ o'clock; and you are required to submit yourself for examination accordingly.

Dated this _____ day of _____

(Signed)

Medical Referee.

FORM S(a)

Medical Referee's Statement of Fees in respect of references under Sections 19, 23 (3) (b) and Schedule I (11) of the Workmen's Compensation Act, 1925

(1)	(2)	(3)	(4)	(5)	(6)	(7)	AMOUNT OF FEES.			(11)
							(8)	(9)	(10)	
							Reference, including examination and Certificate or Report. (2 guineas).	Further Statement under Regulation 45. (1 guinea).	Mileage Allowance (See Certificate of Distance and Scale of Fees on back).	Expert Assistance* [Payments under Regulation 8.]
							£	£	£. s. d.	£ s. d.
Totals ..										

Total £ s. d.

(Signed)

Date

Medical Referee.

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

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

(Signed)

Endorsement to be made on back of statement.

(a) Form S as amended by S.R. & O. 1935 No. 566, p. 504 below.

WORKMEN'S COMPENSATION

FORM T(a)

Medical Referee's Statement of Fees in respect of references under Section 16 of the Workmen's Compensation Act, 1925

Court Number of Matter.	Name of Workman.	Date on which Reference received from Registrar.	Court from which received.	Date of Examination.	Date on which Certificate sent to Registrar.	Whether incapacity certified to be permanent or not.	Fees. (1 guinea per case to include all duties.)	Expert Assistance.* (Payments under Regulation 8.)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	£	£ s. d.
Totals ..							Total £ s. d.	

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

(Signed)

Date

Medical Referee.

FORM U(a)

Medical Referee's Statement of Fees in respect of References under Section 43 (1) (f) of the Workmen's Compensation Act, 1925

Court Number of Matter.	Names of Parties.	Whether Employer or Workman was applicant ("E." or "W.")	Date on which Reference received from Registrar.	Court from which received.	Date of Examination.	Place of Examination.	Date on which Certificate sent to Registrar.	Whether appeal allowed or dismissed ("A." or "D.")	AMOUNT OF FEES.		
									Deciding Matter. (2 guineas). (10)	Mileage Allowance. (See Certificate of Distance and Scale of Fees on back). (11)	Expert Assistance.* (Payments under Regulation 8.) (12)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	£	£ s. d.	£ s. d.
Totals ..									Total £ s. d.		

(Signed)

Date

Medical Referee.

* A reference should be given to the Home Office 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)

(a) Forms T and U as amended by S.R. & O. 1935 No. 566, p. 504 below.

FORM W(a)

Medical Referee's Statement of Fees in respect of attendances to sit as Assessor

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	Fees under Regulation 35.	
									(10)	(11)
									For Attendance, &c. (3 guineas or 1 guinea).	Mileage Allowance. (See Certificate of Distance and Scale of Fees on back.)
									£	£ s. d.
Totals ..									Total £ s. d.	

(Signed)

Date

Medical Referee.

† Each date should be entered on a separate line.

* If the Medical Referee has to attend on more dates than one in the same case, the necessary particulars of each attendance should be given on a separate line.

I hereby certify that I attended on the _____ day of _____ at the County Court holden at _____ which is distant _____ miles from my residence (or prescribed centre).

(Signed)

Endorsement to be made on back of statement.

FORM Y

Record of References and Summonses to be kept by Registrar
 County Court Circuit No. _____, Court holden at _____ Name of Registrar. _____
 Record for the Quarter ended _____

References			Summonses to sit as Assessor.										
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
Court Number of Matter.	Names of Parties.	If a scheduled disease is in question, indicate which.	Date on which Reference forwarded to Referee.	Provision in the Act, under which Reference is made, and if under Sch. I (11) by whom made.†	Whether workman directed to attend on Referee or not.	Date on which Registrar received Referee's Certificate or Report.	Date of issue of Summonses.	Date(s) fixed for hearing.†	Whether Referee attended at Court on that date.	Whether Referee actually sat as Assessor in the case on that date.§	If hearing adjourned or cancelled, date on which notice thereof given to Referee, and whether by post or otherwise.	Name of Medical Referee appointed.	Date and number of previous Reference, if any, in same case.

† Here say whether Committee, Agreed Arbitrator, County Court Judge, or Appointed Arbitrator.

‡ Each date should be entered on a separate line.

§ If case was heard but the Medical Referee did not sit, a brief statement of the reasons should be appended.

(a) Form W as amended by S.R. & O. 1935 No. 566, p. 504 below.