

WORKMEN'S COMPENSATION

[Workmen in Crown employment, *see* the title "Pensions."]

Workmen's Compensation was replaced by the system of insurance established by the National Insurance (Industrial Injuries) Act 1946 (9 & 10 GEO. 6. c. 62) *see* the title "National Insurance" and ceased to be payable under the Act after 5 July, 1948, except in cases where a right to compensation had already arisen, and the Workmen's Compensation Acts 1925 to 1945, with certain minor exceptions were accordingly repealed, with saving, as from that day (*see* 9 & 10 GEO. 6. c. 62 s. 89 and sch. 9).

The consolidating Workmen's Compensation Act, 1925 (15 & 16 GEO. 5. c. 84) saved (*see* s. 50 (2)) schemes, rules, orders and regs. made under repealed enactments. It applied to England and Scotland; for the consolidation of Northern Ireland law *see* 17 & 18 GEO. 5 c. 16 (N.I.).

The functions of the Secy. of State under the Workmen's Compensation Acts were transferred to the Minister of National Insurance on April, 1, 1945 *see* 7 & 8 GEO. 6. c. 46, s. 6; and the Ministry of National Insurance (Workmen's Compensation) O., 1945, S.R. & O. 1945 No. 318; under the title "Ministers of the Crown (Transfer of Functions, etc.)."

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1. Rules of Court

(1) *England.*

(2) *Scotland, p. 449.*

(1) England

THE WORKMEN'S COMPENSATION RULES, 1926. DATED
APRIL 28, 1926.

1926 No. 448 (L.12)

[*These Rules (S. R. & O. 1926, p. 829) are printed as amended by Rules, dated May 5, 1927 (S. R. & O. 1927 (Nos. 392 and 393) pp. 747-8), January 23 and April 18, 1929 (S. R. & O. 1929 (Nos. 9 and 267) p. 865), June 16 and December 5, 1930 (S. R. & O. 1930 (Nos. 385 and 1002) pp. 1011 and 1020), May 22 and December 16, 1931 (S. R. & O. 1931 (Nos. 411 and 1053) pp. 752-3), November 8, 1932 (S. R. & O. 1932 (No. 910) p. 900), March 3, 1933 (S. R. & O. 1933 (No. 75) p. 1320), July 2 and December 11, 1934 (S. R. & O. 1934 (Nos. 707, 708 and 1347) II, pp. 743, 745 and 747), December 17, 1936 (S. R. & O. 1936 (No. 1309) II, p. 3668), July 15, 1938 (S. R. & O. 1938 (No. 687) II, p. 3447), July 28, 1939 (S. R. & O. 1939 (No. 835) II, p. 3558), August 28 and December 16, 1940 (S. R. & O. 1940 (Nos. 1562 and 2120) I, pp. 1118-9) and November 4, 1941 (S. R. & O. 1941 (No. 1740) I, p. 1226).]*

Preliminary

Effect, short title, commencement, and construction of Rules, 15 & 16 Geo. 5. c. 84.

1.—(1) The following Rules shall have effect under the Workmen's Compensation Act, 1925 (in these Rules referred to as the Act), with reference to any matter or proceeding for the regulation of which Rules of Court may be made under the Act, and generally for carrying the Act into effect so far as it affects the County Court or an arbitrator appointed by the Judge of the County Court, and proceedings in the County Court or before any such arbitrator.

(2) These Rules may be cited as the Workmen's Compensation Rules, 1926, and shall come into operation on the first day of May, 1926. They shall not apply to any case where the accident happened before the first day of January, 1924; in any such case the existing rules shall continue to apply.

Act, s. 50.

(3) Subject as aforesaid the existing Workmen's Compensation Rules are hereby annulled.(a)

(4) Expressions used in these Rules shall have the same meaning as the same expressions used in the Act.

52 & 53 Vict. c. 63.

(5) The Interpretation Act, 1889, shall apply for the purpose of the interpretation of these Rules as it applies for the purpose of the interpretation of an Act of Parliament.

(6) These Rules shall also be read and construed with the County Court Rules, 1936,(b) and the County Court Rules of subsequent date amending the same; and any Order and Rule referred to by number in these Rules shall mean the Order and Rule so numbered in the County Court Rules, 1936, or in any County Court Rules of subsequent date, as the case may be.(c)

Parties to Arbitration before Judge or Arbitrator appointed by Judge

Parties to arbitration.

2.—(1) Where application is made for the settlement by the judge, or by an arbitrator appointed by the judge, of any matter which under the Act is to be settled by arbitration, the party making such application shall be called "the applicant"; and, subject to these Rules, all other persons whose presence at the arbitration may be necessary to enable the judge or arbitrator effectively and completely to adjudicate upon and settle all the questions involved shall be made parties to the application, and shall be called "the respondents."

Order V, Rule 2.

(2) In any case in which both the principal as defined by the Act and a contractor with him are alleged to be liable to pay compensation under the Act, Order V, Rule 2, as to joinder of parties shall apply.(d)

Joinder of applicants, Order V, Rule 1.

3. More persons than one may be joined as applicants in one arbitration, in any case in which such persons might be joined in one action as plaintiffs under Order V, Rule 1; and that rule shall, with the necessary modifications, apply to any such arbitration.(d)

(a) See S.R. & O. 1913 (No. 661) p. 401 as amended by 1913 (No. 1400) p. 523; 1914 (No. 1120) I, p. 724; 1915 (No. 1133) I, p. 301; 1917 (No. 497) p. 459; 1918 (No. 246) I, p. 521; 1920 (No. 394) I, p. 1140; 1921 (No. 1745) p. 541; 1923 (No. 1522) p. 498; 1924 (Nos. 167 and 809) pp. 652-6; 1925 (No. 293) p. 1074 and 1926 No. 441.

(b) S.R. & O. 1936 (No. 626) I, p. 282: these Rules are printed with amendments thereof incorporated in the annual "County Court Practice."

(c) Para. (6) as amended by S.R. & O. 1936 No. 1309.

(d) Rules 2(2) and 3 as amended by S.R. & O. 1936 No. 1309.

4.—(1) An application on behalf of the dependants of a deceased workman for the settlement by arbitration of the amount payable as compensation to such dependants may be made by the legal personal representative, if any, of the deceased workman on behalf of such dependants, or by the dependants themselves ; and in either case the particulars to be filed as hereinafter mentioned shall contain particulars as to the dependants on whose behalf the application is made.

Application by dependants.

(2) Provided, that if there is any conflict of interest between the dependants themselves, or if any dependants neglect or refuse to join in an application, the application may be made by or on behalf of some only of such dependants, the other dependants in either case being named as respondents.

(3) In the construction of this rule the term "dependants" shall include persons who claim or may be entitled to claim to be dependants, but as to whose claim to rank as dependants any question arises.

5.—(1) In any case in which the amount payable as compensation to the dependants of a deceased workman has been agreed upon or ascertained, but any question arises as to who are dependants, or as to the amount payable to each dependant, an application for the settlement of such question by arbitration may be made either by the legal personal representative, if any, of the deceased workman on behalf of the dependants or any of them, or by such dependants or any of them, against the other dependants, and the persons claiming or who may be entitled to claim to be dependants, but as to whose claim to rank as such a question arises ; or such application may be made by the persons claiming to be dependants, but as to whose claim to rank as such a question arises, or any of them, against the legal personal representative, if any, of the deceased workman, and the dependants, and such of the persons claiming or who may be entitled to claim to be dependants as are not applicants.

Application by dependants under Act, s. 21 (2) where amount of compensation agreed or ascertained.

(2) In any such case, if the employer has paid the agreed or ascertained amount of compensation, it shall not be necessary to make him a respondent, but if such compensation or any part thereof is still in his hands he shall be made a respondent.

(3) The employer, if made a respondent, may pay the amount of compensation in his hands into court, to be dealt with as the judge or arbitrator shall direct, and thereupon further proceedings against him shall be stayed.

(4) The registrar shall within twenty-four hours from the time of payment made pursuant to the last preceding paragraph send notice thereof to the applicant and to the other respondents (if any), and the employer shall not be liable to any costs otherwise than in accordance with paragraph (6) (c) of Rule 19.

6.—(1) An application for the settlement by arbitration of the sum payable in respect of medical attendance on and the burial of a deceased workman who leaves no dependants shall be made by the legal personal representative, if any, of the deceased workman. If there is no such legal personal representative, the application may be made by any person to whom any such expenses are due. In the latter case any other person known to the applicant as a person to whom any such expenses are due shall be joined in the application either as applicant or respondent.

Parties to arbitration as to sum payable for medical attendance and burial. Act, s. 8 (2) (v).

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Apportionment of such sum.

(2) In any case in which application is made for the settlement by arbitration of such amount, the amount awarded, if insufficient for the payment of such expenses in full, shall be apportioned between the persons to whom such expenses are due in such manner as the judge or arbitrator shall direct.

Parties under disability and partners; representation of parties having the same interest.

7.—(1) The provisions of Rules 8 and 9 of Order V, as to parties suing or defending on behalf of other persons having the same interest, and the provisions of the County Court Rules as to persons under disability and partners suing and being sued, shall, with the necessary modifications, apply to proceedings by way of arbitration under the Act.(a)

Judge may direct infant to appear as if he were of full age.

(2) Provided that the judge may at any time direct that an infant shall appear either as applicant or respondent in the same manner as if he were of full age.

Application for Arbitration

Request for arbitration

8.—(1) An application for the settlement of any matter by arbitration shall not be made unless and until some question has arisen between the parties, and such question has not been settled by agreement.

(2) Where any question has arisen and has not been settled by agreement, an application for the settlement of the matter by arbitration shall be made by the applicant filing with the registrar a request for arbitration, intituled in the matter of the Act and in the matter of the arbitration, which request shall state concisely the question which has arisen, and shall, with the subsequent proceedings thereon, be recorded in the special register hereinafter mentioned.

Particulars.

(3) Particulars shall be appended or annexed to the request, containing—

- (a) A concise statement of the circumstances under which the application is made, and the relief or order which the applicant claims;
- (b) The date of service of notice of the accident on the employer, or, if such notice has not been served, the reason for such omission; and
- (c) The full names and addresses of the respondents and of the applicant, and of his solicitor, if the proceedings are commenced through a solicitor.

Forms of request and particulars. Forms 1 to 11.

9.—(1) The request and particulars shall be according to such one of the forms in the Appendix as shall be applicable to the case, with such modifications as the nature of the case may require.

(2) A copy of the notice of the accident shall be appended or annexed to the particulars. If this rule cannot be complied with, the reason for the omission shall be stated in the particulars.

(a) Rule 7(1) as amended by S.R. & O. 1936 No. 1309.

10.—(1) Where an employer on whom a claim for compensation has been made desires to make an application for the settlement of any matter by arbitration, he shall file a request for arbitration in accordance with Rule 8, to which the workman, or the legal personal representative, if any, and the persons claiming or who may be entitled to claim to be dependants of a deceased workman, or the other persons (as the case may be) on whose behalf the claim was made, shall be respondents.

Application
by employer.

(2) Particulars shall be appended or annexed to the request, containing—

- (a) a concise statement of the circumstances under which the application is made ;
- (b) a statement whether the applicant admits his liability to pay compensation, or denies such liability, wholly or partially, with (in the latter case) a statement of the grounds on and extent to which he denies liability ;
- (c) a statement of the matters which the applicant desires to have settled by arbitration ; and
- (d) the full names and addresses of the respondents and of the applicant, and of his solicitor, if the proceedings are commenced through a solicitor.

11. The applicant shall deliver to the registrar with the request and particulars a copy thereof for the judge or arbitrator, and a copy for each respondent to be served.

Copies for
judge and
respondents.

12. Where the applicant is illiterate and unable to furnish the required information in writing, the request and particulars and copies shall be filled up by the registrar's clerk.

Where
applicant is
illiterate.

13. Order III, Rule 1, and Order XIII, Rule 7, of the County Court Rules, as to security for costs, shall not apply to proceedings under the Act and these Rules.(a)

County
Court Rules
as to security
for costs not
to apply.

Proceedings on Arbitration before Judge

Fixing Day and Place for Arbitration

14.—(1) On the filing of a request for arbitration, the registrar shall transmit a copy of the request and particulars to the judge who shall as soon as conveniently may be (if he decides to settle the matter himself) appoint a day and hour for proceeding with the arbitration. Such day shall, subject to the provisions of Rule 28, be so fixed as to allow the copies of the request and particulars to be served on the respondents at least twenty clear days before the day so fixed.

Fixing day
and place for
arbitration.

(2) The arbitration shall, subject as hereinafter mentioned, be held at the place at which the court is held.

(a) Rule 13 as amended by S.R. & O. 1936 No. 1309.

(3) Provided, that the judge may direct that the arbitration shall be held at any other place within the district of the court, on application in that behalf made by any party to the arbitration, and on such party filing an undertaking to provide at his own expense a place to the satisfaction of the judge in which the arbitration may be held, and to pay the necessary expenses of the judge and officers of the court attending at such place.

(4) If such direction is given before the notices mentioned in the next following rule are issued, the registrar shall insert in such notices the place at which the arbitration has been so directed to be held.

(5) If such direction is given after such notices have been issued, the registrar shall forthwith send notice by post to the parties of the place at which the arbitration has been so directed to be held.

Notice of Day Fixed

Notice to parties.

Forms 12, 13.

Notice where employer is applicant.
Form 13.

15.—(1) On the day for proceeding with an arbitration being fixed, the registrar shall give or send by post notice in writing to the applicant, stating the place at which and the day and hour on and at which the arbitration will be proceeded with, and shall issue the copies of the request and particulars, under the seal of the court, for service on the respondents, together with notices under the seal of the court, stating the place at which and the day and hour on and at which the arbitration will be proceeded with, and that if the respondents do not attend in person or by their solicitors such order will be made and proceedings taken as the judge may think just and expedient.

(2) Where the request is filed by an employer, the notices to be served on the respondents shall be modified by the omission of the words therein relating to the denial or admission of liability to pay compensation.

Service on Respondents

Service on respondents.

16.—(1) The copies and notices mentioned in the last preceding rule shall, subject to the provisions of Rule 28, be served on the respondents at least twenty clear days before the day fixed for proceeding with the arbitration.

(2) The copies and notices mentioned in the last preceding rule may be served—

- (a) By a bailiff of a court ;
- or, at the request of the applicant or his solicitor,
- (b) By the applicant, or some clerk or servant in his permanent and exclusive employ ; or
- (c) By the applicant's solicitor, or a solicitor acting as agent for such solicitor, or some person in the employ of either of them, or some person employed by either of them to serve such copies and notices, who might be so employed to serve a writ in an action in the High Court.

Act, s. 14,
(3), (4).

(3) Service may be effected either in accordance with the rules as to service of default summonses, or by registered post in accordance with the provisions of sub-sections (3) and (4) of section 14 of the Act with reference to service of notice in respect of an injury, and the provisions of those sub-sections shall apply to such service.

(4) Where service is effected otherwise than by a bailiff, a copy of the document served, with the date and mode of service indorsed thereon, shall within three clear days next after the date of service, or such further time as may be allowed by the registrar of the court issuing such document, be delivered or transmitted to such registrar by the applicant. The applicant shall also (unless the respondent files an answer) after the time limited for filing an answer, deliver or transmit to the registrar an affidavit of the service of such document, according to Form 35 in Appendix A to the County Court Rules, with such variations as the circumstances of the case may require.(a)

Where service effected otherwise than by bailiff.

(5) Where a document is served by post it shall, unless the contrary be proved, be deemed to have been served at the time when the letter containing the same would have been delivered in the ordinary course of post, and in proving the service of such document it shall be sufficient to prove that the same was properly addressed and registered.

Service by post.

(6) Where the accident occurred in England, and any respondent resides in Scotland or Ireland, service on such respondent may be effected in accordance with this rule, and service so effected shall be deemed to be sufficient.

Service on respondent in Scotland or Ireland.

Stay of Proceedings

17. Where several requests for arbitration are filed by different applicants against the same respondent in the same court in respect of matters arising out of the same circumstances, the respondent may, on filing an undertaking to be bound, so far as his liability to pay compensation is concerned, by the award in such one of the said arbitrations as may be selected by the judge, apply to the judge under Order VII, Rule 2, for an order to stay proceedings in the arbitrations other than the one so selected until an award is made in such selected arbitration; and Rule 2 of Order XIII and Rules 2 to 4 of Order XVII shall, with the necessary modifications, apply accordingly.(a)

Stay of proceedings in other arbitrations to abide decision as to liability in selected arbitration. Order XIII, Rule 2, Order XVII, Rules 2-4.

Answer by Respondent

18.—(1) If any respondent desires to disclaim any interest in the subject matter of an arbitration, or considers that the applicant's particulars are in any respect inaccurate or incomplete, or desires to bring any fact or document to the notice of the judge, or intends to rely on the fact that notice of the accident, or of death, disablement, or suspension, was not given as required by the Act, or that the claim for compensation was not made within the time limited by the Act, or intends to deny (wholly or partially) his liability to pay compensation under the Act, he shall, ten clear days at least before the day fixed for proceeding with the arbitration, or if the time is abridged pursuant to Rule 28, then within the time fixed by the order, file with the registrar an answer, stating his name and address, and the name and address of his solicitor (if any), and stating that he disclaims any interest in the subject matter of the arbitration, or stating in what respect the applicants' particulars are inaccurate or incomplete, or stating concisely any fact or document which he desires to bring to the notice of the judge, or on which he intends to rely, or the grounds on and extent to which he denies liability.

Answer by respondent.

Form 14.

(a) Rules 16(4) and 17 as amended by S.R. & O. 1936 No. 1309.

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(2) The respondent shall with such answer file copies thereof for the applicant and the judge, and one copy for each of the other respondents; and the registrar shall within twenty-four hours after receiving such copies transmit the same by post to the applicant and the judge and the other respondents respectively.

(3) Subject to any answer so filed, and to the provisions of the next following paragraph, the applicant's particulars, and, in the case of a claim for compensation, the liability to pay compensation under the Act, shall be taken to be admitted.

(4) Provided, that in case of non-compliance with this rule, and of the applicant's not consenting at the arbitration to permit a respondent to avail himself of any matter of which he should pursuant to this rule have given notice by filing an answer, the judge may, on such terms as he shall think fit, either proceed with the arbitration and allow the respondent to avail himself of such matter, or adjourn the arbitration to enable the respondent to file such answer.

Answer
where
employer
is applicant.

(5) The provisions of this rule shall, with the necessary modifications, apply to a case in which a request for arbitration is filed by an employer; but a respondent who fails to file an answer shall not be taken to admit the truth of any statement in the applicant's particulars in which he denies, wholly or partially, his liability to pay compensation.

Submission to Award or Payment into Court by Respondent

Submission
to award or
payment
into court
with
admission of
liability.
Form 15.

19.—(1) A respondent who admits liability may at any time before the day fixed for proceeding with the arbitration

- (a) Where the application is made by an injured workman,
- (i) file with the registrar a notice that he submits to pay a weekly sum, to be specified in such notice; or
 - (ii) file with the registrar a notice that he submits to pay a lump sum, to be specified in the notice, which he considers to be sufficient to cover his liability in the circumstances of the case; or
- (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 on 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.

In any such case the respondent shall file as many copies of the notice as there are parties to whom notice of submission or of payment into court is to be sent.(a)

Submission
to award or
payment
into court
with denial
of liability.
Form 15.

(2) A respondent who denies liability may at any time before the day fixed for proceeding with the arbitration file a notice of submission or pay money into court in accordance with this rule, accompanied by a notice stating his name and address, and further stating that notwithstanding such submission or payment he denies his liability, together with as many copies of such notice as there are parties to whom notice of such submission or payment is to be sent.(a)

(a) Rule 19(1) and (2) as amended by S.R. & O. 1930 No. 385.

(3) The registrar shall within twenty-four hours from the time of any notice filed or payment made pursuant to either of the two last preceding paragraphs send notice thereof (with a copy of the notice filed by the respondent) to the applicant, and to the other respondents (if any).

Forms 16, 17.

(4) If the applicant is a workman, and elects to accept in satisfaction of his claim the weekly payment or the lump sum specified in the respondent's notice, he shall send to the registrar and to the respondent by post, or leave at the registrar's office and at the residence or place of business of the respondent, a written notice according to the form in the Appendix, stating such acceptance, within such reasonable time before the day fixed for proceeding with the arbitration as the time of filing of notice of submission by the respondent has permitted.

Acceptance of weekly payment or lump sum by workman.
Form 18.

(5) If the application for arbitration 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 burial as aforesaid, and the applicant is willing to accept the sum paid into court in satisfaction of the compensation payable to the dependants, or in respect of such medical attendance and burial (as the case may be), he shall send to the registrar and to the respondent by post, or leave at the registrar's office and at the residence or place of business of the respondent, a written notice of such willingness, according to the form in the Appendix, within such reasonable time before the day fixed for proceeding with the arbitration as the time of payment into court by the respondent has permitted.

Acceptance by dependants of sum paid into court.

Form 18.

If there are any other respondents, the applicant shall in like manner give notice of such willingness to such respondents; and if any of such respondents are willing to accept the sum paid into court in satisfaction of such compensation as aforesaid, they shall in like manner give notice of such willingness to the registrar and to the applicant and the other respondents.

(6) If the applicant is a workman, and elects to accept in satisfaction of his claim the weekly or lump sum payment submitted to by the respondent, or if in any other case the applicant and all the respondents give notice of their willingness to accept the sum paid into court, the following provisions shall apply:—

Procedure if weekly payment offered or sum paid in is accepted.

(a) There shall be deemed to be an agreement within the meaning of section 23 of the Act and either party may send to the Registrar a memorandum setting out the facts in relation to such submission and payment into Court (if any) and the acceptance thereof in accordance as far as circumstances will permit with the forms in the Appendix, and the Rules as to the recording of a memorandum of agreement shall apply as far as may be, and the arbitration shall be stayed pending the determination of the question whether the memorandum shall be recorded.

Form 18B.

(b) If the memorandum is recorded the arbitration shall be stayed, but the Judge may on application made to him by any party to the proceedings make such award as to costs as in his discretion he shall think proper.

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The party making such application shall serve on each of the other parties seven clear days' notice of his intention to make such application and shall at the same time file a copy of such notice with the Registrar.

(c) If the memorandum is not recorded, the arbitration shall proceed and the provisions of paragraph (8) of this Rule shall apply as far as may be.

(d) [*Revoked by S. R. & O. 1930 No. 385.*] (a)

Acceptance at any time before arbitration opened. Costs.

(7) Where any party has not given notice of acceptance in accordance with this rule, he may nevertheless, subject to the provisions of paragraph 6 of this Rule, accept the weekly or lump sum payment which the respondent has submitted to pay, or the sum paid into court, at any time before the arbitration is called on and opened, subject to the payment of any costs which may have been reasonably incurred by the respondent since the date of filing notice of submission or the date of payment into court, and which may be allowed by the judge ; and the judge may order any costs so allowed to be paid by the party so accepting, and may order such costs to be set off against any costs payable to such party. (b)

Procedure and costs if weekly sum offered or sum paid in is not accepted.

(8) In default of notice of acceptance by the applicant and all the respondents, the arbitration may proceed ; but if no greater weekly payment or compensation is awarded than that which the respondent has submitted to pay or has paid into court, such respondent shall not be liable to pay any further costs than such as he might have been ordered to pay if the weekly or lump sum payment offered or sum paid into court had been accepted ; and the judge may order any costs incurred by such respondent after notice of submission or payment into court to be paid by any party who has not given notice of acceptance of such weekly payment or sum, and may order such costs to be set off against any costs payable to such party. The judge may also order any costs incurred after notice of payment into court by any party who has given notice of acceptance to be paid by any other party who has not given such notice. (b)

Submission to award or payment into court where employer is applicant.

(9) The provisions of this rule shall, with the necessary modifications, apply to a case in which an employer has filed a request for arbitration.

Notice of claim to indemnity under Act, s. 6.

Notice to Parties against whom Indemnity claimed under Section 6

20. Where a respondent claims to be entitled under section 6 of the Act to indemnity against any person not a party to the arbitration, he shall, ten clear days at least before the day fixed for proceeding with the arbitration, or if the time is abridged pursuant to Rule 28, then within the time fixed by the order, file a notice of his claim according to the form in the Appendix ; and the registrar shall seal such notice and deliver it to the respondent, who shall serve the same, together with a copy of the applicant's request and particulars, and of the notice served on the respondent under Rules 15 and 16, upon the person against whom such claim is made ; and the provisions of paragraphs (2) to (6) of Rule 16 shall apply to such service.

Form 23.

(a) Rule 19(6) as amended by S.R. & O. 1930 No. 385.

(b) Rules 19(7) and (8) as amended by S.R. & O. 1930 Nos. 385 and 1002.

21. If any person served with a notice under the last preceding rule (hereinafter called the third party) desires to dispute the applicant's claim in the arbitration as against the respondent on whose behalf the notice has been given, or his own liability to such respondent, he must appear before the judge on the day fixed for proceeding with the arbitration, or on any day to which he may have received notice from the registrar that the arbitration has been adjourned or postponed; and in default of his so doing he shall be deemed to admit the validity of any award made against such respondent as to any matter which the judge has jurisdiction to decide in the arbitration as between the applicant and the respondent, whether such award is made by consent or otherwise, and his own liability to indemnify the respondent to the extent claimed in the notice served on him by the respondent.

Appearance
by third
party.

Provided, that if it appears to the judge before or at the arbitration that the notice of claim has not been served on the third party in time to enable him to appear on the day hereinbefore mentioned, or that for any other sufficient cause the third party is unable to appear on such day, the judge may adjourn the proceedings in the arbitration on such terms, as to costs and otherwise, as may be just.

Where
notice not
served in
due time.

22. If the third party fails to appear on the day mentioned in Rule 21, or, if the proceedings are adjourned under that rule, on the day to which the proceedings are adjourned, then if the arbitration results in an award in favour of the applicant, or the arbitration is finally decided in favour of the applicant otherwise than by an award, the judge may on the application of the respondent make such award as the nature of the case may require in favour of the respondent against the third party: but execution thereon shall not issue without leave of the judge until after satisfaction by the respondent of the award against him, or the amount recovered against him.

Proceedings
on default of
appearance
by third
party.

Provided, that the judge may set aside or vary any award made against the third party under this rule upon such terms as may be just.

23. The third party or the respondent may apply before or at the arbitration to the judge for directions: and the judge, upon the hearing of the application, may, if satisfied that there is a question proper to be determined as to the liability of the third party to make the indemnity claimed, in whole or in part, order the question of such liability as between the third party and the respondent giving the notice to be determined at or after the arbitration, and if not so satisfied may make such award as the nature of the case may require in favour of the respondent giving the notice against the third party: or the judge may, if it appears desirable so to do, give the third party leave to resist the claim of the applicant against the respondent upon such terms as may be just, or to appear at the arbitration and take such part therein as may be just, and generally may give such directions as he may think proper for having the question most conveniently determined, and as to the mode or extent in or to which the third party shall be bound or made liable by the award in the arbitration.

Application
for
directions.
What direc-
tions may
be given.

24. The judge may decide all questions of costs as between a third party and the other parties to the arbitration, and may order any one or more to pay the costs of any other or others, or give such directions as to costs as the justice of the case may require.

Costs.

*Notice to Parties against whom Indemnity claimed under Section 30,
or otherwise*

Notice of claim to indemnity under Act, s. 30, or otherwise than under Act, s. 6. Form 23. If person served makes default in appearing, he is to be deemed to admit validity of award against respondent.

Where notice not served in due time.

Application to judge for directions as to conduct of arbitration.

Costs.

Judge how far empowered to decide questions as to liability of third party.

25.—(1) Where a respondent claims that if compensation is recovered against him he will be entitled under section 30 of the Act, or otherwise than under section 6, to indemnity against any person not a party to the arbitration, he may, if he desires that such person shall be bound by the proceedings in the arbitration to the extent in this rule provided, file and serve a notice of his claim in accordance with Rule 20.

(2) If any person served with a notice under the last preceding paragraph (hereinafter called the third party) desires to dispute the applicant's claim in the arbitration as against the respondent on whose behalf the notice has been given, he must appear before the judge on the day fixed for proceeding with the arbitration, or on any day to which he may have received notice from the registrar that the arbitration has been adjourned or postponed; and in default of his so doing he shall be deemed to admit the validity of any award made against such respondent as to any matter which the judge has jurisdiction to decide in the arbitration as between the applicant and the respondent, whether such award is made by consent or otherwise.

Provided, that if it appears to the judge before or at the arbitration that the notice of claim has not been served on the third party in time to enable him to appear on the day hereinbefore mentioned, or that for any other sufficient cause the third party is unable to appear on such day, the judge may adjourn the proceedings in the arbitration on such terms, as to costs or otherwise, as may be just.

(3) The third party or the respondent may apply before or at the arbitration to the judge for directions; and the judge, upon the hearing of the application, may, if it appears desirable so to do, give the third party leave to resist the claim of the applicant against the respondent upon such terms as may be just, or to appear at the arbitration and take such part therein as may be just, and generally may give such directions as he shall think proper.

(4) If the third party obtains leave to resist the claim of the applicant against the respondent, the provisions of Rule 24 as to costs shall apply.

(5) Nothing in this rule shall empower the judge to decide (otherwise than by consent) any question as to the liability of the third party to indemnify the respondent, or to make any award in favour of the respondent against the third party, or to make any further or other order than that the third party shall not be entitled in any future proceedings between the respondent and such third party to dispute the validity of the award as to any matter which the judge has jurisdiction to decide in the arbitration as between the applicant and the respondent.

(6) Provided, that with the consent of the respondent and the third party,

(a) If the arbitration results in an award in favour of the applicant, or is finally decided in favour of the applicant otherwise than by an award, and the third party admits his liability to indemnify the respondent, the judge may, on application made to him at or after the hearing of the arbitration or the final decision

thereof, make such award as the nature of the case may require in favour of the respondent against the third party ; but execution thereon shall not issue without leave of the judge until after satisfaction by the respondent of the award against him, or the amount recovered against him ; or

- (b) The judge may, on an application for directions, order any question as to the liability of the third party to make the indemnity claimed to be settled, as between the respondent and the third party, by arbitration after the arbitration between the applicant and the respondent, and may on such subsequent arbitration make such award as the nature of the case may require in favour of either party against the other.
- (c) In any such case the judge may decide all questions of costs as between the respondent and the third party, and may order either of such parties to pay the costs of the other (including any costs payable by such party to any other party to the arbitration), or give such directions as to such costs as the justice of the case may require.

Third Party Procedure where Employer is Applicant

26. The provisions of Rules 20 to 25 shall, with the necessary modifications, apply to a case in which an employer who has filed a request for arbitration claims to be entitled to indemnity against any person not a party to the arbitration.

Third party procedure where employer is applicant.

Claim to Indemnity as between Respondents

27.—(1) Where a respondent claims to be entitled to indemnity against any other respondent, a like notice shall be issued and the like procedure shall thereupon be adopted for the determination of questions between the respondents as might be issued and adopted against such other respondent if such last-mentioned respondent were a third party.

Claim to indemnity as between respondents.

(2) Nothing herein contained shall prejudice the rights of the applicant against any respondent.

Abridgment of Time for Service, &c.

28. The judge or registrar may for good cause shown abridge the time for service of a request for arbitration on any respondent, or the time for filing an answer or serving a third party notice under these rules; and if an order is made to that effect a copy of the order shall be annexed to and served with the notice to be served on the respondent.

Abridgment of time for service, answer, &c.

Procedure on Arbitration

29.—(1) Subject to the special provisions of these rules, the procedure in an arbitration shall be the same as the procedure in an action commenced in the county court by plaint and summons in the ordinary way, and determined by the judge without a jury, in so far as such procedure is applicable to proceedings by way of arbitration ; and the statutory provisions and rules for the time being in force relating to such actions shall, with the necessary modifications, apply to such arbitration accordingly.

Procedure in arbitration.

WORKMEN'S COMPENSATION

Act, sched.
1, par. 6.

(2) In particular, the statutory provisions and rules for the time being in force as to—

- (a) further particulars ;
- (b) interrogatories, and discovery and inspection of documents ;
- (c) examination of witnesses and persons ; and
- (d) granting a new trial,(a)

in an action in the County Court shall, with the necessary modifications, apply to any such arbitration.

(3) In the application of such provisions and rules the applicant's request for arbitration shall be deemed to be a summons with particulars annexed, the day fixed for proceeding with the arbitration shall be deemed to be the return day, the day on which the arbitration is held shall be deemed to be the day of trial, and the applicant and respondents shall be deemed to be plaintiff and defendants respectively.

Burden of
proof of
facts not
admitted.

(4) Provided, that the burden of proof of any facts which are not admitted shall be the same, whoever the party may be by whom the request for arbitration is filed.

29A.—(1) If an employer ends or diminishes a weekly payment otherwise than in accordance with the provisions of section 12 of the Act, the workman may file a request for arbitration (if arbitration proceedings are not already pending between him and his employer), and may in the proceedings so instituted or in the pending proceedings (as the case may be) apply to the judge for an interim award ordering the employer to pay to the workman forthwith such a lump sum as shall represent the weekly payment ended or the amount by which the weekly payment has been diminished, calculated from the date when the weekly payment was ended or diminished till the date of the hearing of the application or as near thereto as circumstances will admit, and to pay the amount of the weekly payment to the workman every week from the termination of the period covered by the said lump sum till the date of the hearing of the arbitration or further order. And the judge may make an interim award accordingly or for such lesser amount or amounts as the judge may think proper, but such award shall be without prejudice to any order which the judge may make on the hearing of the arbitration, including an order for repayment by the workman of the moneys ordered to be paid by the interim award or any part thereof.

(2) At least two clear days' notice in writing of such application as aforesaid shall be served on the employer. Such notice shall be signed by the applicant or his Solicitor and three copies shall be left with the Registrar.

(3) Subject to the provisions of this Rule the practice of the County Court with regard to interlocutory matters shall apply so far as circumstances will admit.(b)

(a) Rule 29(2)(d) as amended by S.R. & O. 1936 No. 1309.

(b) Rule 29A added by S.R. & O. 1930 No. 385.

Award

30.—(1) The award of the judge on any arbitration shall be prepared and settled by the registrar, and shall be signed by the judge, and shall be sealed and filed, and sealed copies thereof shall be served on all persons affected thereby in accordance with Rule 8 of Order XXIV; and such award shall be enforceable in the same manner as a judgment or order of the court.(a)

Award.
Forms 24,
24A, 24B.
Order XXIV,
Rule 8.

(2) The judge shall have power at any time to correct any clerical mistake or error in such award arising from any accidental slip or omission.

Proceedings before Arbitrator appointed by Judge

Appointment of Arbitrator by Judge

31. With respect to the appointment of an arbitrator by the judge, the following provisions shall apply :—

Appoint-
ment of
arbitrator
by judge.

- (a) If with respect to any court the Lord Chancellor, by general order, authorises the settlement by an arbitrator appointed by the judge of matters which, in default of such authorisation, would be settled by the judge, the judge may from time to time, on an application being made for the settlement of any matter, either settle the same himself, or he may, with the approval of the Lord Chancellor, appoint by writing under his hand, and filed in the court, an arbitrator to settle such matter.
- (b) If with respect to any court the Lord Chancellor makes no such general order as aforesaid, then, on an application being made for the settlement of any matter, the judge may (if from the state of business in the court, or for any other reason, he is unable to settle such matter within a reasonable time) apply to the Lord Chancellor to authorise the settlement of such matter by an arbitrator appointed by the judge.
- (c) If the Lord Chancellor does not grant such authority, the judge shall proceed to settle the matter in accordance with the Act and these Rules.
- (d) If the Lord Chancellor grants such authority, the judge may, with the approval of the Lord Chancellor, appoint, by writing under his hand, and filed in the court, an arbitrator to settle such matter.
- (e) In case of the death or refusal or inability to act of an arbitrator appointed under this rule, the judge may, on the application of any party, appoint a new arbitrator in accordance with this rule.

(a) Rule 30(1) as amended by S.R. & O. 1933 No. 75 and 1936 No. 1309.

Fixing day for Arbitration

Fixing day and place for proceedings before arbitrator.

32. Where any matter is to be settled by an arbitrator, the judge shall return the copy of the request for arbitration to the registrar, with the appointment of such arbitrator, to be transmitted to the arbitrator; and the registrar shall transmit the copy of the request and a copy of the appointment to the arbitrator, who shall, as soon as conveniently may be, appoint a day and hour for proceeding with the arbitration, in accordance with Rule 14, and the provisions of that rule as to the place where an arbitration shall be held shall apply. Provided that where the arbitration is to be held at the place where the court is held, the day appointed for the arbitration shall, if possible, be one on which the court or other suitable accommodation in the court-house will be available for the arbitration.

Procedure before Arbitrator

Procedure before arbitrator.

33.—(1) On the day for proceeding with an arbitration being fixed the registrar shall proceed according to Rule 15, and thenceforward the arbitration shall proceed in the same manner as an arbitration before the judge; and these Rules shall apply and the officers of the court shall act accordingly, with the substitution of the arbitrator for the judge.

(2) Provided that—

- (a) In any case coming within the provisions of paragraph (6) (a) or paragraph (6) (b) (i) or Rule 19, or in any other case in which, after an arbitrator has been appointed, but before the day fixed for proceeding with the arbitration, the parties agree upon an award, the judge may, on application made to him in or out of court on behalf of or with the consent of all parties, settle the matter himself; and thereupon the functions of the arbitrator as to such matter shall cease, and the registrar shall forthwith inform him that the matter has been settled; and
- (b) Any application for the enforcement of or for staying proceedings on an award, which would in the case of an award made by the judge be required to be made to the judge, shall, in the case of an award made by an arbitrator, be in like manner made to the judge.

Submission of Question of Law by Committee or Arbitrator to Judge

Submission of question of law by committee or arbitrator to judge.
Act, sched. 1, par. 4.

34.—(1) Where a committee or an arbitrator (whether agreed on by the parties or appointed by the judge) submits any question of law for the decision of the judge under paragraph 4 of the first schedule to the Act, such submission shall be in the form of a special case.

Statement of case.

(2) The case shall be intitled in the matter of the Act and of the arbitration, and shall be divided into paragraphs numbered consecutively, and shall state concisely such facts and documents as may be necessary to enable the judge to decide the questions of law raised thereby. Upon the argument of the case the judge and the parties shall be at liberty to refer to the whole contents of such documents, and the judge shall be at liberty to draw from the facts and documents stated in the case any inference, whether of fact or of law, which might have been drawn therefrom if proved at the hearing of an arbitration.

- (3) The case shall be signed by the chairman and secretary of the committee or by the arbitrator, and sent to the registrar, who shall transmit the same to the judge, and the judge shall as soon as conveniently may be appoint a day and hour for hearing the case, and instruct the registrar to give notice thereof forthwith to the parties. The day shall be so fixed as to allow notice to be given ten days at least before the day fixed for the hearing, unless the judge shall, with the consent of all parties, fix an earlier day. Fixing day for hearing.
Form 25.
- (4) The registrar shall, on the application and at the cost of any party, furnish him with a copy of the case. Copies of case.
- (5) On the hearing of the case the judge may, after deciding the question submitted to him, remit the case with a memorandum of his decision to the committee or arbitrator, for them or him to proceed thereon in accordance with the decision ; or if the decision of the judge on the question submitted to him disposes of the whole matter, he may himself make an award in the arbitration in accordance with such decision. Power of judge on hearing of case.
- (6) The judge may remit the case to the committee or arbitrator for re-statement or further statement. Re-statement.
- (7) The judge shall have the same power over the costs of a special case as he has over the costs of an arbitration, or he may direct that such costs shall be dealt with as costs attending the arbitration ; and the provisions of the Act and these Rules as to such costs shall apply accordingly. Costs of special case.

Appearance of Parties in Arbitration

35.—(1) A party to any arbitration under the Act, whether before a committee or an agreed arbitrator, or before a judge or an arbitrator appointed by a judge, may appear— Appearance of parties.

- (a) In person ;
- (b) By any solicitor who would be entitled to appear for such party in an action in the County Court ;
- (c) By counsel ;

Or, by leave of the committee, agreed arbitrator, judge or arbitrator, a party may appear—

- (d) By a member of his family ;
- (e) By a person in the permanent and exclusive employment of such party ;
- (f) In the case of a company or corporation, by any director of the company or corporation, or by the secretary or any other officer or any person in the permanent and exclusive employment of the company or corporation ;
- (g) By any officer or member of any society or other body of persons of which such party is a member or with which he is connected, or, where death results from the injury, by any officer or member of any society or other body of persons of which the deceased workman was a member or with which he was connected ; or
- (h) Under special circumstances, by any other person.

(2) No person other than a solicitor who appears or acts on behalf of any party in any arbitration under the Act shall be entitled to have or recover any fee or reward for so appearing or acting, other than such travelling expenses and (in the case of a workman or a member of his family) allowance for time (if any) as may be allowed by the committee, agreed arbitrator, judge or arbitrator: Provided that nothing in these rules contained shall affect the right of counsel to appear or act in any arbitration, or the right of any solicitor to recover costs in respect of his employment of counsel to appear or act as aforesaid.

Duty of Judge as to taking Notes

Note to be taken of question of law raised, &c., and copy furnished.

36. At the hearing of any arbitration or special case the judge shall make a note of any question of law raised, and of the facts in evidence in relation thereto, and of his decision thereon, and of his decision in the arbitration or on the hearing of the case: and he shall, at the expense of any party to such arbitration or case, furnish a copy of the note so taken to or allow a copy of the same to be taken by or on behalf of such party, and shall sign such copy, whether a notice of motion by way of appeal has been served or not.

Proceedings against Insurers under Section 7

Where rights of bankrupt, &c., employer against insurers vest in workman Act, s. 7.

37.—(1) Where under section 7 of the Act the rights of an employer against any insurers under a contract entered into by the employer with the insurers in respect of any liability under the Act to any workman are transferred to and vest in the workman, the following provisions shall have effect.

Examination of employer as to insurance.

(2) Where a workman who is or claims to be entitled to compensation from an employer to whom section 7 of the Act applies is unable to ascertain whether such employer has entered into a contract with insurers in respect of his liability, he may apply to the court on affidavit intituled in the matter of the Act, and setting forth the facts on which the application is made, for an order for the examination of the employer, and the court may make an order accordingly; and the provisions of Order XXV, Rule 2, and Order XLVII, Rule 1, shall apply in the same manner as if the employer were a debtor liable under a judgment or order.^(a)

Order XXV, Rule 2, Order XLVII Rule 1.

Arbitration between workmen and insurers.

(3) Subject to the provisions of the contract between the employer and the insurers as to the settlement of differences or disputes between the employer and the insurers, the provisions of the Act and these Rules as to the settlement of matters by arbitration shall with the necessary modifications apply to the settlement by arbitration, as between the workman and the insurers, of any question as to the liability of the insurers to the workman or the amount of their liability, and of any other question which would under the Act be the subject of arbitration between the workman and the employer if the rights, remedies and liability of the employer had not been transferred to the insurers.

Form 11.

(a) Rule 37(2) as amended by S.R. & O. 1936 No. 1309.

Masters, Seamen, Apprentices and Pilots. Section 35

38.—(1) In the application of the Act and these Rules in the case of masters, seamen, and apprentices to the sea-service and apprentices in the sea-fishing service, who are workmen within the meaning of the Act, and who are members of the crew of any such ship as in section 35 of the Act mentioned, and to pilots when employed on any such ship, the following provisions shall have effect.(a)

Masters, seamen, apprentices, and pilots.

(2) In the case of the death of a master, seaman, apprentice, or pilot, the claim for compensation shall state the date at which news of the death was received by the claimant.

Claim for compensation in case of death.

(3) The claim for compensation on behalf of dependants of a master, seaman, apprentice, or pilot lost with his ship, and the particulars appended or annexed to the request for arbitration, shall state the date at which the ship was lost or is deemed to have been lost.

Where master, &c., lost with ship.

(4) A request for arbitration shall be according to such one of the forms in the Appendix, as shall be applicable to the case, with such modifications as the nature of the case shall require.

Forms of request for arbitration. Forms 6, 7.

(5) In any document, notice, or proceeding it shall be sufficient to describe the owners of the ship as "the owners of the ship"; and the provisions of the County Court Rules as to disclosure of the names of partners shall with the necessary modifications apply to the disclosure of the names of such owners.

Description of owners in documents and proceedings.

(6) Subject to the provisions of sub-section (1) (a) of section 35 of the Act as to service of the notice of accident and the claim for compensation, any document, notice, or proceeding to be served on the owners of a ship shall be deemed to be sufficiently served if served on the managing owner or manager for the time being of the ship, or (except where the master is claiming compensation) on the master of the ship; and section 696 of the Merchant Shipping Act, 1894, sub-section (1), shall apply to service on the master of the ship, and where the master is claiming compensation, and there is no managing owner of the ship, service may be effected in accordance with paragraph (c) of the said sub-section.

Service of documents and proceedings. Merchant Shipping Act, 1894, ss. 59, 696.

Proceedings against a Club

38A. Where proceedings are taken by a workman against the managing committee of a club as an employer under paragraph (b) of sub-section (3) of section 5 of the Act, service or notice of any documents or proceedings shall be valid and sufficient if served on or given to a member of such committee or its secretary and on the club premises in such manner as would be valid and sufficient if he were the sole employer.

Proceedings against a club.

Detention of Ships. Section 39

39.—(1) An application for an order for the detention of a ship under section 39 of the Act shall be made in accordance with the rules for the time being in force under the Shipowners' Negligence (Remedies) Act, 1905; and those rules, with the necessary modifications, shall apply accordingly.

Application for detention of ship. Act, s. 39, 5 Edw. 7. c. 10.

(a) Rule 38(1) as amended by S.R. & O. 1939 No. 385.

WORKMEN'S COMPENSATION

(2) Subject to any such rules as in the last preceding paragraph mentioned, an application for an order for detention shall be made in accordance with the following rules.

- Application and evidence. Form 26. (3) The application may (subject to the provisions of paragraph 9 of this rule) be made *ex parte* either in or out of court, according to the form in the Appendix, and shall be supported by affidavit or other evidence showing, to the satisfaction of the judge, the grounds on which the application is made.
- Undertaking as to damages. Form 27. (4) The judge may, before granting the application, require the applicant to give or procure an undertaking, to the satisfaction of the judge, to abide by any order as to damages and costs which may be thereafter made, in case any person affected by the order for detention shall sustain any damages by reason of the order which the applicant ought to pay.
- Order, and execution thereof. Form 28. (5) An order for detention shall specify the amount for which security shall be given, and shall be according to the form in the Appendix, and shall be issued in triplicate ; one copy shall be delivered to the applicant, and the other two copies to the officer named by the judge ; and one of such last-mentioned copies shall be delivered by the officer to the person who is at the time of the execution of the order apparently in charge of the ship, or shall be nailed or affixed on the main mast or on the single mast of the ship ; and the other copy shall be retained by the officer.
- Rescission of order. (6) The judge may at any time on good cause shown rescind any order for detention made by him.
- Security. Order XLVIII Rules 16-18. Form 29. (7) The provisions of Rules 16 to 18 of Order XLVIII, as to security, shall with the necessary modifications apply to the giving of security ; and the approval by the judge of any security shall be signified in writing signed by him. Where security is given by bond such bond shall be according to the form in the Appendix.(a)
- Release. Form 30. (8) If the judge rescinds any order for detention, or is satisfied that satisfaction has been made, or when security has been given and approved, or in any other case if the applicant so requires, the judge shall deliver to the party applying for the same an order according to the form in the Appendix, directed to the officer named in the order for detention, authorising and directing him, upon payment of all costs, charges, and expenses attending the custody of the ship, to release it forthwith.
- Notice of application to agent or solicitor of owners. (9) (a) With respect to notices of applications for orders for detention, and to undertakings to give security, the following provisions shall have effect.
- (b) Notwithstanding anything in this rule contained, a person intending to apply for an order for detention shall, if the name and address of an agent in England for the owner of the ship, or of a solicitor in England authorised to act for the owners, agent, master, or consignee of the ship, are known to him, give to such agent or solicitor, by post, telegram, or otherwise, such notice of the time and place at which the application for an order for detention is intended to be made as may be practicable in the circumstances of the case.

(a) Rule 39(7) as amended by S.R. & O. 1936 No. 1309.

(c) If a solicitor in England represents that he is authorised to act for the owners, agent, master, or consignee of the ship, and signs an undertaking according to the form in the Appendix, to put in or give security for an amount agreed on between the parties, or fixed by the judge, then, on such undertaking being filed in court,

Undertaking
by solicitor.
Form 30A.

- (i) the judge may in his discretion refuse to make an order for detention ; or
- (ii) if an order for detention has been made, but not executed, the judge may rescind it ; or
- (iii) if an order for detention has been made and executed, the judge may deliver to the party applying for the same an order of release in accordance with paragraph (8) of this rule.

(d) An undertaking given in accordance with the last preceding paragraph shall be filed in the court to which the application for an order for detention is made or is intended to be made.

Filing of
undertaking.

(e) A solicitor who fails to put in or give security in pursuance of his undertaking to do so shall be liable to attachment.

Attachment
for non-
compliance
with under-
taking.

(10) Where proceedings by way of arbitration for the recovery of compensation are taken against the persons giving security, the request for arbitration and particulars shall state concisely the circumstances under which the persons giving security are made respondents.

Particulars
to state cir-
cumstances
under which
persons giv-
ing security
are made
respondents.
Form 8.

(11) Where proceedings are commenced in any court in England, Scotland or Ireland other than that in which the order for detention was made or applied for, the registrar of the court in which the order was made or applied for shall on request transmit by registered post to the registrar of the court in which the proceedings are commenced all original documents filed in the matter, and a certified copy of all records made with reference to the matter, and any bond by way of security given in the matter, and shall transfer to such last-mentioned court any money paid into court by way of security in the matter ; and the provisions of Order XVI, Rule 8, as to the costs of copies and the costs of transmission shall apply to any transmission under this paragraph.(a)

Transmis-
sion of
documents,
&c., where
proceedings
commenced
in court
other than
that in
which order
for detention
made or
applied for.

(12) The costs incurred by any party in relation to an application for an order of detention and any proceedings consequent thereon may in any subsequent proceedings by way of arbitration be allowed as costs of the arbitration.

Costs of
application
for order for
detention.

(13) This Rule shall apply to claims against charterers under subsection (5) of section 39 of the Act, " charterers " being substituted for " owners " in these cases.

(a) Rule 39(11) as amended by S.R. & O. 1936 No. 1309.

Proceedings where Employer who has paid Compensation or from whom Compensation is claimed, desires to obtain Order for Detention of Ship. 5 EDW. 7, c. 10.

Application by employer for detention of ship.
5 Edw. 7, c. 10.

40. Where an employer who has paid compensation or against whom a claim for compensation has been made under the Act desires to make an application for the detention of a ship under the Shipowners' Negligence (Remedies) Act, 1905, the provisions of the last preceding rule shall apply, subject to the rules for the time being in force under the last-mentioned Act, and to the following modifications, viz. :

Forms 31, 32, 33.

(i) An application for an order for detention, an order for detention, and a bond given by way of security, shall be according to the forms in the Appendix.

Form 23.

- (ii) Where proceedings by way of arbitration for the recovery of compensation are taken against the employer, he may bring in the persons giving security as third parties in accordance with Rule 25, and the provisions of that rule shall apply accordingly.
- (iii) Where such proceedings are taken against the employer in any court other than that in which the order for detention was made or applied for, and the employer brings in the persons giving security as third parties, the provisions of paragraphs (11) and (12) of the last preceding rule shall apply.
- (iv) Where the employer has paid compensation in respect of the injury, all questions as to his right to indemnity against the persons giving security, and as to the amount of such indemnity, shall in default of agreement be settled by action, or, by consent of the parties, by arbitration in accordance with the Act and these Rules ; and if such questions are settled by arbitration, the provisions of paragraphs (10) to (12) of the last preceding rule shall apply.

Industrial Diseases

Application of Act and rules to cases of industrial diseases.

41.—(1) In the application of the Act and these Rules in the case of a workman disabled by or suspended on account of his having contracted any disease mentioned in section 43 of and the third schedule to the Act, or in any order of the Secretary of State made under sub-section 3 of the said section, or disabled by or suspended on account of his having sustained any injury due to the nature of any employment specified in any such order, not being an injury by accident, or in the case of a workman whose death has been caused by any such disease or injury as above-mentioned, the following provisions shall have effect.

Notice of disablement.

(2) The notice required by section 14 of the Act shall state the date and cause of the disablement or suspension ; and where a certificate of disablement or a certificate of or relating to suspension has been given, a copy thereof shall on demand be furnished to the employer.

Forms of request for arbitration.
Forms 9, 10.

(3) A request for arbitration shall be according to such one of the forms in the Appendix as shall be applicable to the case, with such modifications as the nature of the case may require.

(4) (a) If the employer desires to add any other employer as a party to the arbitration, pursuant to proviso (ii) to paragraph (c) of sub-section (1) of section 43 of the Act, he shall file with the registrar in duplicate a notice according to the form in the Appendix: and thereupon the registrar shall make an order adding such other employer as a respondent, and may if necessary adjourn the hearing of the arbitration for such time as may be necessary to enable such other employer to be duly served.

Adding respondent. Act. s. 43 (1) (c) (ii). Forms 19, 20.

(b) Where a respondent is added under the last preceding paragraph, copies of the notice pursuant to which he is so added, and of the order, shall be sent by post to the applicant and the original respondent; and the like copies, together with a copy of the applicant's request and particulars, and of the notice served on the original respondent under Rules 15 and 16, and a notice according to the form in the Appendix as to the place at which and the day and hour on and at which the arbitration will be proceeded with, shall be issued by the registrar for service on the added respondent; and such copies and notices shall be served on the added respondent in accordance with Rule 16, with the substitution of the original respondent for the applicant.

Notice of order, and service on added respondent.

Forms 21, 22.

(c) The provisions of these Rules as to respondents shall apply to the added respondent from the date of service on him as if he had been originally made a respondent.

Application of rules to added respondent.

Procedure at arbitration.

(d) At the hearing of the arbitration the judge or arbitrator shall decide all questions as between the applicant and the original and added respondents, and may make such award as may be necessary effectively and completely to adjudicate upon and settle all the questions involved in the arbitration, and may make such order as to costs as between the applicant and the respondents, and as between the respondents themselves, at may be just.

Costs.

(5) Where the employer claims under proviso (iii) to paragraph (c) of sub-section (1) of section 43 of the Act to be entitled to contribution from any other employer, he may bring in such other employer as a third party in accordance with Rules 20 to 24, 26 and 27; and the provisions of those rules shall with the necessary modifications apply to any such claim to contribution in like manner as they apply to claims to indemnity.

Claim to contribution. Act, s. 43 (1) (c) (iii). Form 23.

(6) The provisions of this Rule shall apply to claims to compensation and questions arising under any scheme made by the Secretary of State in pursuance of section 47 of the Act as extended or amended by any subsequent enactment with such modifications as the nature of the case may require. (a)

Appointment of Arbitrator by Judge in place of Arbitrator agreed on by the Parties under Schedule I, Paragraph 8

42.—(1) In case of the death or refusal or inability to act of an arbitrator agreed on by the parties, any party to the arbitration who desires to make an application to the judge to appoint a new arbitrator shall apply in writing to the registrar to fix a time and place for the hearing of such application.

Application for appointment.

Form 34.

(a) Rule 41(6) added by S.R. & O. 1927 No. 392 and as substituted by S.R. & O. 1931 No. 411.

WORKMEN'S COMPENSATION

- Fixing of hearing by registrar. (2) The registrar shall fix the hearing of the application before the judge for any court appointed to be held within fourteen days from the date of the application to the registrar, but so that he shall not, except by consent, fix the hearing for a day less than seven days from the date of the application.
- Fixing of hearing by judge. (3) If there is no available court, the registrar shall send notice of the intended application to the judge, who shall as soon as conveniently may be fix a time and place for the hearing of the application. Such time shall not, except by consent, be less than seven days from the date of the application to the registrar.
- Summons to other party. Form 35. (4) On the time and place for the hearing of the application being fixed, the registrar shall issue to the applicant a summons under the seal of the court according to the form in the Appendix, addressed to the other party to the arbitration, and requiring him to attend on the hearing of the application.
- Service of summons. (5) Such summons shall be served by the applicant on the other party in accordance with Rule 16 of these rules not less than four clear days before the day fixed for the hearing, unless such party agrees to accept shorter service.
- Hearing of application. (6) On the day fixed for the hearing the judge shall dispose of the application on hearing the parties, or on hearing the applicant and on proof of service of the summons on the other party, if such other party does not appear.
- Ascertainment of willingness to act. (7) Before appointing any person to act as arbitrator, the judge shall ascertain that such person is willing to serve if appointed.
- Order. (8) The appointment may be made by indorsement on the application, or by a separate order.
- Costs. (9) The costs of the application shall be in the discretion of the judge, who may order the same to be paid by one party to the other, or to be dealt with as costs attending the arbitration. Such costs, if allowed, shall be taxed on such scale as the judge shall direct.

Memorandum under Sections 23, 24 and 44

Memo-randum to be sent to registrar. Act, ss. 23, 24, 44. Form 36. **43.**—(1) The memorandum as to any matter decided by a committee or by an arbitrator or by agreement, which is required to be sent, or may be sent, to the registrar, under sections 23, 24, or 44 of the Act, shall be according to such one of the forms in the Appendix as is applicable to the circumstances of the case, and shall be left at the office of the registrar or sent by post by registered letter addressed to the registrar at his office, as soon as may be after the matter has been decided.

(2) Where the matter is decided after a medical referee has been appointed to report on any matter under paragraph 11 of the first schedule to the Act, a copy of the report of the referee shall be annexed to the memorandum and recorded therewith; and if the referee attended any proceeding in the arbitration, it shall be so stated in the memorandum.

Rules of Court (England)

(3) In the case of an agreement as to any matter referred to in paragraph (1) of Rule 51, a separate statement as required by that paragraph, together (in the case where the workman is an insured person) with a copy thereof for the approved society or committee, shall be left or sent with the memorandum of the agreement.

Form 37.

44.—(1) If the matter is decided by a committee or an arbitrator, the memorandum shall be authenticated by the signatures of the chairman and secretary of the committee, or by the signature of the arbitrator, and it shall be the duty of the committee or arbitrator, as soon as may be after the decision, to draw up such memorandum and to sign the same or cause it to be signed as aforesaid, and to leave or send the same as aforesaid, or to deliver the same to some party interested, to be by him so left or sent.

Authenticati-
on of memo-
randum of
decision of
committee or
arbitrator.

(2) If the matter is decided by agreement, the memorandum shall be authenticated by the signatures or signature of the parties to the agreement or one of them, or, in the case of employers, by the signature of some official or other person in their employ duly authorised to sign on their behalf, or of an agent duly authorised to sign on their behalf, or, in the case of persons under disability, by the signature of their next friend on their behalf.

Authenticati-
on of memo-
randum of
agreement.

(3) A memorandum of an agreement may be left with or sent to the registrar by insurers on behalf of the parties interested.

Memoran-
dum may be
lodged by
insurers.

(4) There shall be left or sent with the memorandum a copy thereof for every party interested. In the case of an agreement for the payment of a lump sum, the approved society or committee referred to in subsection (6) of section 23 of the Act shall be deemed to be a party interested for the purposes of this Rule and of Rules 45 to 51 inclusive.

Copies.

(5) Where the matter is decided by agreement, the registrar may, if the original agreement is in writing, and is not left or sent to be recorded, require such original agreement to be produced; but he shall not be entitled to retain the same where a memorandum thereof is left or sent to be recorded.

Production
of original
agreement.

(6) An agreement made by or on behalf of any person under any legal disability shall be conditional only unless and until a memorandum thereof has been recorded in accordance with the Act and these rules.

Agreement
on behalf of
person
under
disability.

45. On the receipt of the memorandum and copies the registrar shall send one of the copies to every party interested, together (in the case of a party other than the approved society or committee) with a notice according to the form in the Appendix, requesting such party to inform him within ten days from the date of the notice whether the memorandum is genuine, or whether he disputes its genuineness, and, if so, on what grounds, and together (in the case of such society or committee, if a party interested) with a copy of the separate statement referred to in paragraph (3) of Rule 43 and paragraph (1) of Rule 51 and a notice according to the form in the Appendix requesting to be informed whether the registration of the memorandum is objected to, and, if so, on what grounds.

Notice to
parties
interested of
memoran-
dum having
been
received.

Form 38.
Form 38A.

WORKMEN'S COMPENSATION

- Recording of memorandum, if genuineness not disputed. **46.** If no notice to dispute the genuineness of the memorandum or to object to its being recorded is received within such period of ten days the registrar shall, subject to sub-section (4) of section 25 of the Act, and to Rules 49A and 51, record the memorandum without further proof.(a)
- Where genuineness of memorandum disputed. **47.—(a)** If any party interested disputes the genuineness of the memorandum (for example, by alleging in the case of a memorandum of an agreement that no such agreement has in fact been entered into, or that the terms of the agreement are not correctly stated in the memorandum, or that the agreement is no longer subsisting or enforceable, or that it is not enforceable by reason of its having been entered into under a mutual mistake, or obtained by fraud or undue influence or other improper means); or,
- Or objection made by society Act, s. 23 (6). **(b)** if the society or committee objects on any other ground under sub-section (6) of section 23 of the Act to the registration of the agreement ; or
- Or objection made by employer Act s. 23 (1) proviso (b) **(c)** if, where a workman seeks to record a memorandum of agreement between his employer and himself, the employer alleges 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 the memorandum :
- Form 39. The party so disputing or objecting shall within ten days from the date of the notice mentioned in Rule 45 file with the registrar a notice according to the form in the Appendix stating the grounds on which the genuineness of the memorandum is disputed or the recording thereof is objected to, and shall with such notice file a copy thereof for each of the other parties interested.
- Notice of dispute or objection. **48.** On receipt of any such notice as in the last preceding rule mentioned, being either a notice disputing the genuineness of the memorandum by any party interested or a notice by the employer objecting to the memorandum being recorded on the ground specified in paragraph (c) of that rule, the registrar shall send a copy thereof to each of the other parties interested, together with a notice according to the form in the Appendix, informing such party that the memorandum will not be recorded except with the consent in writing of the party disputing the genuineness thereof or of the employer objecting to the same being recorded or by order of the judge.
- Form 40.
- Subsequent proceedings. **49.—(1)** If the consent mentioned in the last preceding rule is obtained, the registrar shall, subject to sub-section (4) of section 25 of the Act, and to Rule 51, record the memorandum without further proof.
- Amendment of memorandum by consent. **(2)** If such consent cannot be obtained, any party interested may apply to the judge to order the memorandum to be recorded.
(3) Provided that if all parties interested consent in writing to any amendment of the memorandum, and to the recording of the same as so amended, the registrar may amend the memorandum accordingly, and record the same without further proof.(a)

(a) Rules 46 and 49 as amended by S.R. & O. 1931 No. 1053.

49A. Where a memorandum of an agreement as to any matter referred to in paragraph (1) of Rule 51 is presented for registration, and no notice is filed pursuant to Rule 47 by any party interested disputing the genuineness of the memorandum nor any notice by the employer objecting to the memorandum being recorded on the ground specified in paragraph (c) of that rule; but a notice objecting to the memorandum being recorded is filed pursuant to that Rule by a party interested on the ground of the inadequacy of the sum or amount payable or on some other ground, or any party interested gives to the registrar any information bearing on the question whether the memorandum may properly be recorded, regard being had to sub-section (4) of section 25 of the Act, the registrar shall before recording the memorandum proceed to consider the objection or information in accordance with the said sub-section, and with Rule 51.(a)

Where objection made to adequacy of sum payable, or information given as to matters mentioned in Act, s. 25 (4).

Proceedings for Record of Memorandum or Rectification of Register

50. The following provisions shall apply to an application for an order that a memorandum be recorded, or an application to the judge to rectify the register pursuant to sections 23 and 25 of the Act.

Proceedings on application for record of memorandum or rectification of register.

- (a) The application shall be made in court on notice in writing, stating the relief or order which the applicant claims.
- (b) The notice shall be filed with the registrar, and copies thereof shall be served—
 - (i) in the case of an application for an order that a memorandum be recorded, on the party disputing the memorandum or objecting to its being recorded, and on all other parties interested;
 - (ii) in the case of an application to rectify the register, on every party who would be affected by such rectification, subject to the provisions of these Rules as to the parties to an arbitration;

Form 41.

or on the solicitor of such party, ten clear days at least before the hearing of the application, unless the judge or registrar gives leave for shorter notice.

- (c) On the hearing of the application witnesses may be orally examined in the same manner as on the hearing of an action.
- (d) On the hearing of the application the judge may make such order or give such directions as he may think just, regard being had, in the case of an application for an order that a memorandum of an agreement be recorded, to sub-section (4) of section 25 of the Act, and to sub-sections (3) and (4) of section 23 of the Act and to Rule 51 and Rule 59.(a)
- (e) The provisions of the Act and these Rules as to the costs of an arbitration before the judge shall apply to any such application.

(a) Rules 49A and 50(a) as amended by S.R. & O. 1931 No. 1053.

WORKMEN'S COMPENSATION

*Reference of Agreement presented for Registration to the Judge
Sub-section (4) of Section 25(a)*

Where memorandum of agreement relates to matter within Act, s. 25 (4). Form 37. Part A or Part B.

51.—(1) Where a memorandum of an agreement as to the redemption of a weekly payment by a lump sum, or as to the amount of compensation payable to a person under any legal disability, or to dependants, or as to the amount of compensation payable in the form of a weekly payment or of a lump sum to a workman who is an insured person within the meaning of the National Health Insurance Act, 1936, or a memorandum of an agreement which may be sent for registration under sub-section (2) of section 44 of the Act, is presented for registration, there shall be left or sent with the memorandum a separate statement according to the form in the Appendix, of such of the particulars mentioned in that form as are applicable to the case.(b)

Inquiry by registrar, and proceedings thereon.

Form 4IA.

(2) In any such case the registrar shall, before recording the memorandum, in addition to sending the notice mentioned in Rule 45, send a notice to every party interested according to the form in the Appendix, requesting such party to inform him by letter, or by personal interview at his office, of any facts relating to the agreement and the circumstances in which it was arrived at which such party may desire to bring to the notice of the registrar, and which may assist him in deciding whether the memorandum may properly be recorded; and the registrar shall make such further inquiries and obtain such further information as he may think necessary in order to satisfy himself that the memorandum may properly be recorded, regard being had to sub-section (4) of section 25 of the Act, and in particular he may for this purpose in the case of a lump sum agreement exercise by notice according to the form in the Appendix the powers of making the specific requirements referred to in sub-section (3) of section 23 of the Act, subject to giving the society or committee, by notice according to the form in the Appendix, an opportunity of appearing before him pursuant to sub-section (6) of that section in the case of the attendance of any of the parties to the agreement having been required by him; and in the case of an agreement sent for registration under section 24 of the Act he shall have regard to the question whether or not liability to pay compensation is doubtful: and it shall be the duty of the parties to the agreement to answer such inquiries and give such information accordingly.(c)

Form 4IB.

Form 4IC.

(3) Where notice disputing the genuineness of the memorandum is not filed pursuant to Rule 47, but it appears to the registrar, on any information which he considers sufficient, that the memorandum ought not to be recorded for any reason mentioned in sub-section (3) or (4) of section 23 of the Act, or mentioned in sub-section (4) of section 25 of the Act, he shall make a report to the judge in writing, stating the information he has obtained, and the grounds on which it appears to him that the memorandum ought not to be recorded.(d)

(4) If on consideration of the registrar's report it appears to the judge that the memorandum may properly be recorded, he may so direct, and it shall be recorded accordingly.

- (a) Heading as amended by S.R. & O. 1931 No. 1053.
(b) Rule 51(1) as amended by S.R. & O. 1936 No. 1309.
(c) Rule 51(2) as amended by S.R. & O. 1931 No. 1053.
(d) Rule 51(3) as amended by S.R. & O. 1938 No. 687.

(5) If on consideration of the registrar's report it appears to the judge that the memorandum should not be recorded without further inquiry, the registrar shall send notice to the parties interested according to the form in the Appendix, informing them that he has referred the matter to the judge, and requiring them to attend on a day to be named in the notice, when the matter will be heard and inquired into by the judge.

Form 42.

(6) The notices shall be sent to the parties interested or their solicitors ten clear days at least before the day fixed for the inquiry, unless the judge directs shorter notice to be given.

(7) At the hearing witnesses may be orally examined in the same manner as on the hearing of an action. The judge may also at or for the purpose of the hearing give such directions as he may think just, and in particular he may in the case of a lump sum agreement exercise the powers conferred upon him by sub-section (3) of section 23 of the Act, whether the same have already been exercised by the registrar or not.

(8) The judge may at or after the hearing either direct the memorandum to be recorded or confirm the refusal of the registrar to record it or make such other order as he may under the circumstances think just.

(9) Where in any case there is a hearing before the judge, the judge may, or where in the case of a lump sum agreement there is a hearing before the registrar or judge or a report from a medical referee is required to be obtained, the registrar or judge, as the case may be, may, in accordance with sub-section (7) of section 23 of the Act, award costs; and for this purpose the provisions of the Act and Rules as to the costs of an arbitration before the judge shall apply; and in awarding such costs there may be allowed in particular any costs incurred in consequence of the neglect or refusal of a party to comply with a requirement of the registrar or judge and also the fee (if any) payable under paragraph 9 of the first schedule to the Act in respect of the remuneration and expenses of the medical referee and any other costs of obtaining his report (if any) and any court fees paid.

(10) Further in the event of the parties or either of them failing to comply with any requirement of the registrar under sub-section (3) of section 23 of the Act the registrar may in accordance with such sub-section refuse to record the memorandum and refer the matter to the judge, who shall have power to make such order as he may in the circumstances think just.

(11) The costs to be allowed under sub-section (5) of section 23 of the Act on taxation of the solicitor's bill to be submitted to the registrar if directed by him shall be such costs as shall be considered reasonable according to such scale as he may direct or the scale applicable to the amount of the compensation and the amount of any reduction from the Bill shall be applied and dealt with by the judge as provided by that sub-section.

(12) If any party interested desires to receive notice by post of the fact and date when a memorandum of agreement is recorded, he may send to the Registrar a prepaid postcard addressed to himself and containing on the back the name of the Court, the name and number of the matter, and the words 'The above matter sent for registration was duly recorded on the _____' a blank being left for the date and the Registrar's signature; and if he does so, the Registrar shall fill in the date of registration and sign and post the postcard as soon as may be after the memorandum has been recorded.

Proceedings for Removal of Record of Memorandum of Agreement from Register under Sub-section (5) of Section 25 of the Act

Application for removal of agreement from register. Act, s. 25(5). Form 43.

52.—(1) An application to the judge by or on behalf of any party for the removal from the register of the record of a memorandum of agreement under sub-section (5) of section 25 of the Act shall be made in court on notice in writing: and the provisions of Rule 50 shall apply to the proceedings on such application.

Notice where inquiry directed by judge. Form 44.

(2) If it appears to the judge on a report by a registrar without such application as in the last preceding paragraph mentioned that the record of a memorandum of an agreement should be removed from the register pursuant to the said sub-section, the registrar shall send notice to the parties to the agreement according to the form in the Appendix, requiring them to attend on a day to be named in the notice, when the matter will be inquired into by the judge.

(3) Such notice shall be sent and the inquiry held in accordance with the provisions of the last preceding rule, and the provisions of that rule shall apply to any such inquiry.

Payment into Court and Application of lump Sum payable by Agreement in lieu of or for Redemption of weekly payment payable to a person under legal disability

Payment into court and investment and application of lump sum payable under agreement in lieu of or for redemption of weekly payment to person under disability Act ss. 13 & 26 and the second schedule.

53. Where an agreement is made for the payment of a lump sum in lieu of a weekly payment to a person under any legal disability, or for the redemption by a lump sum of a weekly payment payable to a person under any legal disability, and a memorandum thereof has been recorded in accordance with the Act and these Rules, such sum shall be paid into court, and shall be invested, applied, or otherwise dealt with by the court in such manner as the court in its discretion thinks fit for the benefit of the person entitled thereto, and the receipt of the registrar of the court shall be a sufficient discharge in respect of the amount paid in: and the provisions of section 26 of and the second schedule to the Act and of Rule 60 shall apply to the payment into court and the investment and application of such lump sum.

Certificate under Section 29, Sub-section 2

54.—(1) Where an action is brought in the County Court to recover damages independently of the Act for injury caused by any accident, and the court proceeds under sub-section (2) of section 29 of the Act, the certificate given by the court shall be according to the form in the Appendix.

Certificate.
Act, s.29(2).

(2) The registrar shall, on receiving a certificate given by any other court under the said sub-section, record the same in like manner as if such certificate were an award made by the judge.

Form 45.

Summoning Medical Referee as Assessor under Schedule I, Paragraph 5

55.—(1) Any party to an arbitration may eight clear days at least before the day fixed for proceeding with the arbitration file with the registrar an application according to the form in the Appendix, requesting the judge to summon a medical referee to sit with him as an assessor under paragraph 5 of the first schedule to the Act. Such application shall be accompanied by two copies of an extract for the use of the assessor from the particulars annexed to the application for arbitration under the following heads, so far as applicable to the case in question, viz. :— particulars as to (1) the nature of the employment at the date of the accident ; (2) the date and place of accident ; (3) the nature of the work on which the workman was at the time engaged ; (4) the nature of the accident and cause of the injury ; (5) the nature of the injury ; (6) the incapacity for work whether total or partial and the estimated duration of the incapacity ; (7) the date of the death ; (8) the nature of the disease ; (9) the date of the disablement or suspension.

Application
for assessor.
Act, sched. I,
para. 5.
Form 46.

(2) On receipt of the application and on the applicant giving security to the satisfaction of the registrar by deposit in court or solicitor's undertaking for the payment of the prescribed fee, the judge shall, and in any case he may if he thinks fit on his own motion at any time, direct the registrar to summon an assessor.

(3) On receiving such direction the registrar shall proceed forthwith to summon a medical referee as directed by the following paragraph.

(4) The registrar shall summon a medical referee by sending to him by post a summons according to the form in the Appendix. The registrar shall annex to the said summons for the use of the assessor one copy of the extract from the particulars received with the application as prescribed by paragraph (1) of this rule. If the judge shall think fit on his own motion to summon a medical referee as assessor, the registrar shall make and annex to the summons for the use of the assessor a copy of such of the particulars referred to in paragraph (1) of this rule as the judge may in his discretion direct.

Summoning
of assessor
if judge
approves or
so directs.

Form 48.

(5) If at the time and place appointed for the arbitration the medical referee summoned does not attend, the judge may either with the parties' consent proceed with the arbitration without the assistance of an assessor, or he may adjourn the hearing.

Where
assessor fails
to attend.

(6) Where the solicitor has given an undertaking for payment of the prescribed fee, proceedings may by direction of the judge be taken against him for the recovery thereof as for the recovery of a judgment debt. The fee although payable by or on behalf of the applicant in the first instance may be allowed to him as costs in the arbitration.

(7) This Rule shall not apply to cases arising under a scheme made by the Secretary of State in pursuance of section 47 of the Act as extended or amended by any subsequent enactment, if it is stated in the scheme that the provisions of the Act as to the summoning of a medical referee as assessor are not to apply to cases arising under the scheme.(a)

*Appointment of Medical Referee to Report under Schedule I,
Paragraph 11*

Appoint-
ment of
medical
referee
to report
Act, sched. I,
para. 11.

56.—(1) Subject to and in accordance with the regulations made by the Secretary of State and the Treasury under paragraph 11 of the first schedule to the Act, the judge may submit to a medical referee for report any matter which seems material to any questions arising in an arbitration.

(2) When any matter is submitted as aforesaid, the judge may, subject to and in accordance with such regulations, order the injured workman to submit himself for examination by the medical referee; and it shall be the duty of the workman, on being served with such order, to submit himself for examination accordingly.

*Application for Reference to Medical Referee under Section 19, of the
Act*

Application
for reference
to a medical
referee.
Act, s.19.

57.—(1) With respect to applications to the registrar pursuant to section 19 of the Act to refer any matter to a medical referee, the following provisions shall have effect.

(2) 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 be subject to the provisions of Order XIII, Rule 1, so far as applicable; 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 may be; and the applicant or applicants shall file copies of the application and reports for the use of the medical referee.(b)

Form 49.

(3) On the hearing of the application the registrar may on payment by the applicant or applicants of the fee payable under paragraph 9 of the first schedule to the Act and subject to appeal to the judge 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 the judge, 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.

Form 50.

(a) Rule 55(7) added by S.R. & O. 1931 No. 411.

(b) Rule 57(2) as amended by S.R. & O. 1936 No. 1309.

(4) 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 Secretary of State. Form 51.

(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) [*Revoked by S. R. & O. 1932 No. 910.*]

(8) 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. Form 52.

(9) The costs of any application to the registrar, including the fee mentioned in paragraph (3), 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 the judge on application in that behalf, such application to be made on not less than four days' notice in writing and in accordance with the provisions of Order XIII, Rule 1, so far as applicable.(a)

Application for Reference to Medical Referee under Section 12 of the Act

57A. The application under proviso (ii) to section 12 of the Act, in a case where the effect of the certificate of the medical referee is in dispute, for the determination of the registrar shall be made on not less than four days' notice in writing and in accordance with the provisions of Order XIII, Rule 1, so far as applicable ; and notice of appeal to the judge must be given in writing within four days from the decision of the registrar unless the time is extended by the judge or by the registrar ; and the registrar or judge may make such order as to the costs of the application as he shall think just.(a) Application for reference to medical referee, Act s. 12.

Fees paid into Court under Schedule I, Paragraph 9, of the Act

57B. Any fees paid into court under paragraph 9 of the first schedule to the Act and any monies recovered or received on account thereof shall be dealt with as directed by the Lord Chancellor.

(a) Rules 57(9) and 57A as amended by S.R. & O. 1936 No. 1309.

Application to stay proceedings or suspend weekly payments on refusal of workman to submit to examination. Act, ss. 17, 18 or 19.

Suspension of Proceedings or Weekly Payments on Refusal to Submit to Examination under Sections 17, 18, or 19 of the Act

58.—(1) In any case in which a workman has given notice of an accident, or is receiving weekly payments under the Act, and the employer alleges that the workman refuses to submit himself to medical examination in accordance with sections 17, 18 or 19 of the Act, or in any way obstructs such examination, the employer may apply for a suspension of the right to compensation and to take or prosecute any proceedings under the Act in relation to compensation, or of the right to the weekly payments, until such examination has taken place, in accordance with this rule.

(2) Where proceedings are pending before a committee or an arbitrator agreed on by the parties, the application shall be made to such committee or arbitrator.

(3) Where the workman has given notice of an accident, but no proceedings are pending, or proceedings are pending before the judge or an arbitrator appointed by him, the application shall be made to the judge.

(4) Where the workman is receiving weekly payments under an award, memorandum, or certificate, then

(a) If proceedings for the review of the weekly payment are pending before a committee or an arbitrator agreed on by the parties, the application shall be made to such committee or arbitrator ;

(b) If no proceedings for review are pending, or if proceedings for review are pending before the judge or an arbitrator appointed by him, the application shall be made to the judge.

Form 53.

(5) Where the application is to be made to the judge, it may be made in or out of court in accordance with Rule 50 ; and the provisions of the said rule shall apply to the proceedings on such application, with the following modification :—

(a) The notice shall be served on the workman or his solicitor five clear days before the hearing of the application, unless the judge or registrar gives leave for shorter notice.

Suspension of Weekly Payments pending Application for Review

Suspension of weekly payment pending application for review.

59.—(1) Where an application is made for an order that a memorandum of an agreement as to a weekly payment be recorded, and the employer alleges that incapacity for work has wholly or partially ceased, the judge may, on the hearing of the application, if he orders the memorandum to be recorded, order the weekly payment to be wholly or partially suspended, or to be wholly or partially paid into court, to abide the order of the court, as from the date on which the employer alleges that incapacity wholly or partially ceased, or from any later date, for such time as he may think fit, to enable the employer to file a request for arbitration with respect to the review of the weekly payment.

(2) Where an employer intends to apply for an order of suspension or payment into court under the preceding paragraph, he shall file with the registrar notice of his intention, specifying the date on which he alleges that incapacity wholly or partially ceased ; and copies thereof shall be served in accordance with Rule 50 five clear days at least before the hearing of the application to record, unless the judge or registrar gives leave for shorter notice.

(3) The provisions of this rule shall not prejudice the power of the judge to refuse to order a memorandum of an agreement to be recorded.

(4) Where a request is filed for arbitration with respect to the review of a weekly payment, the judge may at any time before the hearing of the arbitration order the weekly payment to be wholly or partially suspended, or to be wholly or partially paid into court, to abide the order of the court, as from the date on which the employer alleges in his request that incapacity wholly or partially ceased, or from any later date, until the hearing of the arbitration.

(5) An application for an order for suspension or payment into court under the last preceding paragraph shall be made in court on notice in writing; and the provisions of Rule 50 shall apply to the proceedings on such application.

(6) An order for suspension or payment into court under this rule shall be without prejudice to the right of the workman to apply to the court, on good cause shown, to discharge the order. Any such application shall be made in court on notice in writing; and the provisions of Rule 50 shall apply to the proceedings on such application.

Payment into Court and Investment and Application of Money payable in case of Death. Section 26 and Schedule II

60.—(1) Where any payment in the case of death is to be paid into the County Court pursuant to section 26 of the Act, the following provisions shall have effect.

(2) Where any money is to be paid into court under an award made by the judge or an arbitrator appointed by him, payment shall be made in accordance with the directions contained in the award.

(3) In any other case payment shall be made into the court in which the memorandum of the decision, award, or agreement under which the money is to be paid, or the certificate under which the money is to be paid, has been or is to be recorded.

(4) Where money is to be paid into court under this rule, the employer shall lodge with the registrar a præcipe in duplicate according to the form in the Appendix, and shall annex to one copy of the præcipe a form of receipt, and the registrar, on receipt of the sum paid in, shall sign the receipt and return the same to the employer; and the employer shall forthwith give notice to the persons interested in the sum paid in of such payment having been made.

(5) On the payment of money into court, the registrar shall forthwith send by post to each of the persons appearing by the award, memorandum, or certificate to be interested in such money a notice of the said payment according to the form in the Appendix. Provided that in the case of infant dependants residing with their mother or guardian it shall be sufficient to send such notice to the mother or guardian only.

(6) If all questions as to who are dependants and the amount payable to each dependant have been settled by arbitration before payment into court, the sum paid into court shall be allotted between the dependants in accordance with the award, and the amount allotted to each dependant shall be invested, applied, or otherwise dealt with by the court for the benefit of the person entitled thereto in accordance with section 26 of and the second schedule to the Act.

Payment into court, investment, and application of payment in case of death. Act, s. 26 and Schedule II.

Form 54.

Form 58(i).

WORKMEN'S COMPENSATION

(7) If all questions as to who are dependants have been settled by agreement before payment into court, the amount payable to each dependant shall be settled by the court, and the amount allotted to each dependant shall be invested, applied, or otherwise dealt with by the court for the benefit of the person entitled thereto in accordance with section 26 of and the second schedule to the Act.

(8) If any such questions have not been settled before payment into court, then—

(a) If all the persons interested in the sum paid into court agree to leave the application thereof to the court, or if no question arises as to who is a dependant or as to the amount payable to any dependant, or otherwise as to the application of the sum paid into court, but any of the persons interested in the said sum are absent or under disability, the amount paid into court shall, on application by or on behalf of the persons interested therein, be allotted, invested, applied, or otherwise dealt with by the court for the benefit of the persons interested therein in accordance with the second schedule to the Act.

(b) If any question arises as to who is a dependant or as to the amount payable to any dependant, or otherwise as to the application of the sum paid into court, such question shall be settled by arbitration in accordance with the Act and these Rules; and the amount allotted to each dependant shall be invested, applied, or otherwise dealt with by the court for the benefit of the person entitled thereto in accordance with second schedule to the Act.

(9) Where any question is settled by the court by arbitration in accordance with the last preceding paragraph, an application for the investment or application of any sum allotted to any person on such arbitration may be made at or immediately after the hearing of the arbitration.

(10) (a) Where application is not so made, or in any other case coming within section 26 of and the second schedule to the Act, an application for the investment or application of the sum paid into court, or of the amount allotted to any person, may be made in court on notice in writing, stating on whose behalf the application is made, and the order which the applicant asks, according to the form in the Appendix.

Form 59.

(b) The notice shall be filed with the registrar, and where the application is made by or on behalf of some only of the persons interested, notice thereof shall be served on all other parties interested, or on their solicitors, five clear days at least before the hearing of the application, unless the judge or registrar gives leave for shorter notice.

(c) On the hearing of the application witnesses may be orally examined in the same manner as on the hearing of an action.

(d) On the hearing of the application the judge may, after making or directing such inquiries as to the dependants and on such evidence of title and identity as he may think necessary, make such order under the second schedule to the Act and this rule as he may think fit.

(e) The provisions of the Act and these Rules as to the costs of an arbitration shall apply to any such application.

(11) Where any sum paid or to be paid into court is to be invested, applied, or otherwise dealt with by the court, the judge may, at any time before or on the hearing of any application for the investment or application thereof, refer the matter to the registrar for inquiry and report.

(12) An employer paying money into court under this rule shall not be liable to any costs incurred by any person interested in such money after the receipt of notice of payment into court; but the judge may, in his discretion, order such employer to pay the costs of any such person properly incurred before the receipt of such notice.

(13) Every order for the investment or application of money paid into court shall reserve liberty to the parties interested to apply to the court as they may be advised.

(14) Where any sum allotted to any person under the second schedule to the Act or this rule is ordered to be paid out to or applied for the benefit of the person entitled thereto by weekly or other periodical payments, such payments may be made to the person entitled to receive the same either at the office of the registrar, or, on the written request of such person, by crossed cheque or postal order addressed to such person and forwarded by registered post letter, payment by post being in all cases at the cost and risk of the person requesting the same.

61.—(1) If there is no dispute as to the liability to pay compensation, but the amount payable has not been ascertained or decided either by a committee or by arbitration or by agreement, the employer may pay the amount which he admits to be payable as compensation into the court to which, if an agreement had been come to in the matter, a memorandum of such agreement would be sent to be recorded.

Payment into court where liability admitted, but amount not ascertained.

(2) Where money is to be paid into court under this rule, the employer shall lodge with the registrar a præcipe in duplicate according to the form in the Appendix, containing a statement of the particulars mentioned in that form. The employer shall annex to one copy of the præcipe a form of receipt, according to the said form, and the registrar, on receipt of the sum paid in, shall sign the receipt and return the same to the employer; and the employer shall forthwith give notice to the persons interested in the sum paid in of such payment having been made.^(a)

Form 55.

(3) On the payment of money into court under this rule the registrar shall make such inquiries and obtain such information as he may think necessary to satisfy himself whether the amount paid in is adequate in the circumstances of the case; and it shall be the duty of the employer and of the persons interested in the money paid in to answer such inquiries and give such information accordingly.

(4) Where it appears to the registrar that the amount paid in is adequate, he shall forthwith send by post to each of the persons appearing by the præcipe to be interested in such money a notice of the said payment according to the form in the Appendix. Provided that in the case of infant dependants residing with their mother or guardian it shall be sufficient to send such notice to the mother or guardian only.

Form 58(ii).

^(a) Rule 61(2) as amended by S.R. & O. 1932 No. 910.

WORKMEN'S COMPENSATION

(5) Where it appears to the registrar that the amount paid in is inadequate, he shall make a report to the judge in writing, stating the information he has obtained and the grounds on which it appears to him that the amount paid in is inadequate.

(6) If on consideration of the registrar's report it appears to the judge that the amount paid in is adequate, he may direct the registrar to send to the parties interested notice of payment in accordance with paragraph (4) of this rule.

Form 57.

(7) If on consideration of the registrar's report it appears to the judge that further inquiry should be made, the registrar shall send notice to the employer and to the parties appearing by the præcipe to be interested in the money paid into court, according to the form in the Appendix, informing them that he has referred the matter to the judge, and requiring them to attend on a day to be named in the notice, when the matter will be inquired into by the judge. On such inquiry, the judge may make such order (including an order as to the money paid into court) as under the circumstances he may think just ; and paragraphs (7), (8) and (10) of Rule 51 shall apply.

(8) Where notice of payment into court is sent in accordance with paragraph (4) or paragraph (6) of this rule, then—

(a) If any question arises as to the adequacy of the amount paid into court, the question as to the amount payable as compensation, and all questions as to who are dependants and the amount payable to each dependant, shall be settled by arbitration in accordance with the Act and these Rules ; and the amount allotted to each dependant shall be invested, applied, or otherwise dealt with by the court for the benefit of the person entitled thereto in accordance with paragraph 1 of the second schedule to the Act and paragraphs (9) to (11), (13) and (14) of the last preceding rule.

(b) If no question arises as to the adequacy of the amount paid into court, the amount paid into court shall be allotted, invested, applied, or otherwise dealt with by the court in accordance with paragraphs (8) to (11), (13) and (14) of the last preceding rule.

(9) An employer paying money into court under this rule shall not (except under paragraph (10) of Rule 51, or where a question arises as to the adequacy of the amount paid in, and such question is decided adversely to the employer by arbitration under paragraph (8) of this rule), be liable to any costs incurred by any person interested in such money after receipt of notice of payment into court ; but the judge may, in his discretion, order such employer to pay the costs of any such person properly incurred before the receipt of such notice.

Payment into court where liability denied.

62.—(1) Where a claim for compensation has been made by or on behalf of dependants, and the employer denies liability, but is willing to pay an amount in settlement of the claim, and such of the dependants as are not under disability are willing to accept such amount in settlement, the employer may pay such amount into the court to which, if an agreement had been come to in the matter, a memorandum of such agreement would be sent to be recorded.

(2) Where money is to be paid into court under this rule, the employer shall lodge with the registrar a præcipe in duplicate according to the form in the Appendix, containing a statement of the particulars mentioned in that form. The employer shall annex to one copy of the præcipe a form of receipt according to the said form, and the registrar on receipt of the sum paid in shall sign the receipt and return the same to the employer; and the employer shall forthwith give notice to the persons interested in the sum paid in of such payment having been made.

Form 56.

(3) On the payment of money into court under this rule, the registrar shall proceed according to paragraph (3) of the last preceding rule, and the provisions of that rule shall apply to proceedings subsequent to such payment.

62A. Where money is to be paid into court under Rule 60, Rule 61, or Rule 62, it may be paid in by the employer or his solicitor, or by an agent of the employer duly authorised on his behalf; and where payment is made by a solicitor or an agent, the præcipe shall state that the money is paid in at the request and by the authority of the employer, and the præcipe shall be signed by the solicitor or agent accordingly.

Payment into court by solicitor or agent of employer.

Payment into Court and Application of Weekly Payments payable to Person under Legal Disability. Section 26, Sub-section (2)

63.—(1) An application under sub-section (2) of section 26 of the Act for an order that a weekly payment payable under the Act to a person under any legal disability shall during the disability be paid into court may be made either by the person liable to make such payment, or by or on behalf of the person entitled to such payment.

Application for payment into court of weekly payment to person under legal disability. Act, s.26(2).

(2) If the weekly payment is awarded by the judge, the application may be made at or immediately after the hearing of the arbitration.

(3) In any other case the application may be made in or out of court on notice in writing, which shall be served on the other party or his solicitor five clear days at least before the hearing of the application, unless the judge or registrar gives leave for shorter notice; and the provisions of Rule 50 shall apply to any such application.

Form 60.

(4) Where any weekly payment is ordered to be paid into court, the sums paid in shall be paid out by the registrar to or otherwise applied for the benefit of the person entitled thereto in such manner as the judge shall direct; and the provisions of Rule 60 as to the payment out or application of sums by weekly or other periodical payments shall apply.

Application for Variation of Order under Section 22 of the Act

64.—(1) An application for the variation of an order of the court under section 22 of the Act may be made by or on behalf of any person interested.

Application for variation of order.

(2) The application shall be made in court on notice in writing, stating the circumstances under which the application is made, and the relief or order which the applicant claims.

Act. s. 22.
Form 61.

(3) The notice shall be filed with the registrar, and notice thereof shall be served on all persons interested in accordance with Rule 50; and the provisions of that rule and of Rule 60 shall apply to the proceedings on such application.

Application of amount allotted to dependant in case of death.

64A. In the event of the death of any person entitled as a dependant to any money paid into court, such money shall be dealt with in accordance with any direction which may have been or may be given as to the disposition thereof for the benefit of other dependants in the event of the death of such person; and in default of and subject to any such direction such money shall be dealt with in accordance with the provisions of paragraph 2 of the second schedule to the Act.(a)

64B. Where money is in court being compensation for the benefit of a dependant or dependants of a deceased workman, the registrar may in the absence of the judge at any time or times, and on application in that behalf by any person claiming to be a dependant and on being satisfied that such person is a dependant, direct that so much of the compensation as he considers to be reasonably necessary for the immediate or pressing needs of such dependant or of any other dependants who are being maintained by such dependant shall be paid out to such dependant.

Investment and Application of Lump Sum paid in Redemption of Weekly Payment. Section 13 of the Act

Investment and Application of sums paid in redemption of weekly payments. Act, s.13.

65. Where pursuant to section 13 of the Act a lump sum payable for the redemption of any weekly payment is ordered by a committee or an arbitrator, or by the judge, to be invested or applied for the benefit of the person entitled thereto, such sum shall be paid into court; and the provisions of the second schedule to the Act and of Rule 60 shall apply to the investment and application of such lump sum.

Investment of Money paid into Court

Money paid into court, how to be invested.

65A. [*Revoked by S. R. & O. 1934 No. 1347.*]

Proceedings where Workman receiving Weekly Payment intends to cease to reside in United Kingdom. Section 16 of the Act

Where workman receiving weekly payment intends to cease to reside in United Kingdom, the Channel Islands or the Isle of Man, Act, s. 16. Form 62.

66.—(1) Where a workman receiving a weekly payment intends to cease to reside in the United Kingdom, the Channel Islands, or the Isle of Man, the following provisions shall have effect under section 16 of the Act.

(2) The workman may apply to the registrar to refer to a medical referee the question whether the incapacity of the workman resulting from the injury is likely to be of a permanent nature.

(3) The application shall be made on notice in writing, according to the form in the Appendix, which shall be filed with the registrar, and shall be accompanied by a report of a medical practitioner selected by the workman, setting out the nature of the incapacity alleged to be the result of the injury; and a copy of the application and of the report shall be served on the employer or his solicitor in accordance with Rule 50; and the applicant shall file a copy of the application and of the report for the use of the medical referee.

(4) The employer may, on being served with notice of the application, require the workman to submit himself for examination by a medical practitioner provided and paid by the employer, in accordance with section 18 of the Act; and if the employer requires the workman to submit himself for such examination he shall before or at the hearing of the application furnish the workman with a copy of the report of that practitioner as to the workman's condition, and file a copy of the report for the use of the medical referee.

(a) Rule 64A as amended by S.R. & O. 1927 No. 392.

(5) The workman and the employer respectively may before or at the hearing of the application submit to the registrar such statements in writing as they may think fit, with copies of such statements for the use of the medical referee.

(6) On the hearing of the application the registrar, on being satisfied that the applicant has a *bona fide* intention of ceasing to reside in the United Kingdom, the Channel Islands or the Isle of Man, shall, on payment by the applicant of the fee payable under paragraph 9 of the first schedule to the Act, make an order referring the question to a medical referee; and if he is not so satisfied, he may refuse to make an order, but in that case he shall, if so requested by the applicant, refer the matter to the judge, who may make such order or give such directions as he may think fit.

Form 63.

(7) If the registrar or the judge makes an order referring the question to a medical referee, he 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 Secretary of State; and the provisions of paragraphs (3) to (6) of Rule 57 shall with the necessary modifications apply.

Form 51.

(8) The registrar shall with the order of reference forward to the medical referee copies of any statements submitted to him by either party.

(9) On the receipt of the certificate of the medical referee the registrar shall proceed in accordance with paragraph (8) of Rule 57.(a)

Form 52.

(10) Where the medical referee certifies that the incapacity resulting from the injury is likely to be of a permanent nature, the registrar shall on application furnish the workman

(a) with a copy of the certificate of the medical referee, sealed with the seal of the court and certified by the registrar in his own handwriting to be a true copy; and

(b) with a copy of the award, memorandum, or certificate under which the weekly payment is payable, sealed with the seal of the court and certified by the registrar in his own handwriting to be a true copy; and

(c) with a certificate of identity according to the form in the Appendix; and

Form 64.

(d) with a notice according to the form in the Appendix, annexing thereto forms of certificate and declaration according to the forms in the Appendix;

Forms 65, 66, 67.

and shall procure from the workman a specimen of his signature, and file the same for reference.

(a) Rule 66(9) as substituted by S.R. & O. 1932 No. 910.

WORKMEN'S COMPENSATION

Form 66. (11) A workman who desires to have the weekly payments payable to him remitted to him while residing out of the United Kingdom, the Channel Islands, or the Isle of Man, shall at intervals of three months from the date to which such payments were last made submit himself to examination by a medical practitioner in the place where he is residing, and shall produce to him the copy of the certificate of the medical referee and the certificate of identity furnished under the last preceding paragraph, and shall obtain from him a certificate in the form in the Appendix that the incapacity of the workman resulting from the injury continues; and such certificate shall be verified by declaration by the medical practitioner, in the presence of the workman, before a person having authority to administer an oath.

Form 67. (12) The workman shall also make a declaration of identity according to the form in the Appendix before a person having authority to administer an oath, producing to such person the copy and certificate above mentioned, and the certificate of the medical practitioner by whom he has been examined.

Form 68. (13) The workman shall forward the certificate and declaration in the two last preceding paragraphs mentioned to the registrar, with a request, according to the form in the Appendix, for the transmission to him of the amount of the weekly payments due to him, specifying the place where and the manner in which the amount is to be remitted, which request shall be signed by the workman in his own handwriting.

(14) On receipt of the certificate, declaration, and request the registrar shall examine the same, and may if not satisfied that the same are in order return the same for correction.

Form 69. (15) If the registrar is satisfied that the certificate, declaration, and request are in order, or when they are returned to him in order he shall send to the employer a notice according to the form in the Appendix, requesting him to forward the amount due; and the employer shall thereupon forward the amount to the registrar, who shall remit the same, less any fees payable to the registrar and the costs of transmission, to the workman at the address and in the manner requested by him, such remittance being in all cases at the cost and risk of the workman.

Payment of Arrears of Weekly Payments on Death of Workman residing out of United Kingdom

Payment of arrears of weekly payments on death of workman residing out of United Kingdom, the Channel Islands, or the Isle of Man. **67.**—(1) In the event of the death of a workman in receipt of weekly payments while residing out of the United Kingdom, the Channel Islands, or the Isle of Man, his representatives shall, for the purpose of obtaining payment of the arrears due to the workman, forward to the registrar a certificate of the death of the workman, and documents showing that they are entitled to such arrears, verified by declaration before a person having authority to administer an oath, with a request for payment of such arrears, specifying the place where and the manner in which the amount is to be remitted to them.

(2) For the purposes of this rule the expression "representatives" shall mean—

- (a) if the workman leaves a will, the executors of such will ; or
- (b) if the workman dies intestate, the persons who are according to law entitled to his personal estate, and payment of the arrears may be made to such persons without the production of letters of administration.

(3) On the receipt of the certificate and documents mentioned in this rule the registrar shall examine the same, and may, if not satisfied that the same are in order, return the same for correction.

(4) If the registrar is satisfied that the certificate and documents are in order, or when they are returned to him in order, he shall send to the employer a notice requesting him to forward the amount due, and the employer shall thereupon forward the amount to the registrar, who shall remit the same, less any fees payable to the registrar and the costs of transmission, to the representatives of the workman at the address and in the manner requested by them, such remittance being in all cases at the cost and risk of such representatives.

Conventions with Foreign States and Order in Council the 22nd day of November, 1909

68. Where a request for arbitration is filed by or on behalf of a workman who is a French citizen, or by or on behalf of the dependants of a deceased workman who was a French citizen, the following provisions shall apply.

Special provisions as to French citizens. 9 Edw. 7, c. 16. Order in Council, 22 Nov., 1909.

69. The request and particulars shall state that the workman is or the deceased workman was a French citizen.

70. The court in which proceedings are to be taken shall be determined in accordance with Rule 88 of these Rules.

71. A respondent who intends to rely as a defence on paragraph (1) of the Order in Council dated the 22nd day of November, 1909, (a) made under the Workmen's Compensation (Anglo-French Convention) Act, 1909 (in these Rules referred to as "the Order in Council"), shall state the facts on which he intends to rely in his answer in accordance with Rule 18.

Answer where respondent relies on Order in Council, par. (1).

72. Any lump sum payable in redemption of a weekly payment payable to a workman who is a French citizen, which is to be paid into court pursuant to paragraph (3) of the Order in Council, shall when so paid be invested by the registrar in the purchase of two immediate annuities of equal value on the life of and in the name of the workman from the National Debt Commissioners through the Post Office Savings Bank, the first half-yearly instalment of the first of such annuities to be payable on the second quarterly day of payment next following the day of purchase, and the first half-yearly instalment of the second of such annuities to be payable on the third quarterly day of payment next following the day of purchase.

Investment in Post Office annuity of lump sum payable in redemption of weekly payment. Order in Council, par. (3).

(a) S.R. & O. 1909 No. 1372, p. 691 below.

WORKMEN'S COMPENSATION

Post Office
Regulations,
1888 and
1895.

When applying to the Post Office Savings Bank for the purchase of any such annuities the registrar shall inform the department that the case is one under the Order in Council ; and the workman shall sign such documents and furnish such evidence as may be required by the Post Office Annuity and Insurance Regulations, 1888 to 1913, to enable such annuities to be so purchased.

Transmis-
sion to
France of
lump sum
payable in
redemption
of weekly
payment to
French
citizen who
returns to
reside in
France.
Order in
Council,
par. (4).
Form 70.

73. Where a lump sum payable in redemption of a weekly payment to a workman who is a French citizen has been paid into Court, then, if the workman returns to reside in France, such sum (unless the same has been invested in pursuance of the last preceding rule) shall, on the application of the workman, be paid over by the registrar to the " Caisse Nationale Francaise des Retraites pour la Vieillesse " (in these Rules referred to as " the Caisse ").

Any such sum shall be transmitted by the registrar to the Caisse by registered post letter, inclosing a crossed cheque for the total sum due to the workman, and shall be accompanied by a certificate according to the form in the Appendix, and the registrar shall on the application of the workman forward to him a copy of the certificate.

Transmis-
sion to
France of
sum payable
as compensa-
tion to
dependants
of French
citizen who
reside in or
return to
France.
Order in
Council,
par. (4).
Where
workman in
receipt of
weekly
payments
intends to
return to
reside in
France.
Order in
Council,
par. (5).
Form 71.

74. Where a sum payable as compensation to the dependants of a deceased workman who was a French citizen has been paid into Court, then, if the dependants resided in France at the time of the death of the workman, or subsequently return to reside in France, such sum shall, on the application of the dependants, be paid over to the Caisse.

(2) Any such sum shall be transmitted in accordance with the last preceding rule, and the registrar shall, on the application of the dependants, forward to them a copy of the certificate.

75.—(1) Where a workman who is a French citizen is in receipt of a weekly payment, and such workman intends to return to reside in France, the following provisions shall have effect under paragraph (5) of the Order in Council.

(2) The payments of the amount of compensation due to the workman shall be made at intervals of three months.

(3) The workman may apply to the registrar for a certificate of a medical referee as to the nature of the incapacity resulting from the injury.

(4) The application shall be made on notice in writing, according to the form in the Appendix, which shall be filed with the registrar ; and a copy of the application shall be served on the employer in accordance with Rule 50 ; and the applicant shall file a copy of the application for the use of the medical referee.

(5) The employer may, on being served with notice of the application, require the workman to submit himself for examination by a medical practitioner provided and paid by the employer, in accordance with

section 18 of the Act; and if the employer requires the workman to submit himself for such examination he shall before or at the hearing of the application furnish the workman with a copy of the report of that practitioner as to the workman's condition, and file a copy of the report for the use of the medical referee.

(6) The workman and the employer respectively may before or at the hearing of the application submit to the registrar such statements in writing as they may think fit, with copies of such statements for the use of the medical referee.

(7) On the hearing of the application the registrar shall make an order referring the question to a medical referee. The order of reference shall be according to the form in the Appendix, and shall state the injury in respect of which the award was made, so far as it appears on the records of the court; and the registrar shall forward the order to the medical referee by registered post, accompanied by a copy of the application and of any reports and statements submitted to him by either party.

Form 72.

(8) 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 Secretary of State; and the provisions of paragraphs (5) and (6) of Rule 57 shall apply.

Form 51.

(9) On the receipt of the certificate of the medical referee the registrar shall proceed in accordance with paragraph (8) of Rule 57.(a)

Form 52.

(10) Where the medical referee certifies that the workman is suffering from incapacity resulting from the injury, the registrar shall, on the application of the workman, made on notice in writing and served on the employer two clear days at least before the hearing of the application, fix the intervals at which the workman shall be bound to produce, in support of his demand for payment of the amount of compensation due to him, a medical certificate that the incapacity resulting from the injury continues. These certificates shall be required at such intervals, not being less than three months nor more than 12 months from the date to which payment was last made, as the registrar may determine, having regard to the nature of the incapacity.

Forms 73, 74.

(11) On the intervals being fixed, the registrar shall send a copy of the order to the workman and to the employer, and shall on application furnish the workman with

Form 74.

(a) a copy of the certificate of the medical referee, sealed with the seal of the court and certified by the registrar in his own handwriting to be a true copy; and

(b) a copy of the award under which the weekly payment is payable, sealed with the seal of the court and certified by the registrar in his own handwriting to be a true copy; and

(c) a certificate of identity according to the form in the Appendix; and

Form 64.

(d) a notice according to the form in the Appendix;

Form 75.

and shall procure from the workman a specimen of his signature, and file the same for reference.

(a) Rule 75(9) as substituted by S.R. & O. 1932 No. 910.

(12) For the purpose of obtaining payment of the compensation due to him, an injured workman who is a French citizen, and has returned to reside in France, shall at intervals of three months from the date to which such payment was last made produce to the mayor of the commune in which he resides the certificate of identity furnished under the last preceding paragraph, and shall obtain from the mayor a certificate that such workman was alive on the day when the certificate of identity was produced. He shall also, at the intervals fixed by the registrar, obtain from a medical practitioner employed in an official capacity in the Department in which the workman resides a certificate that the incapacity specified in the certificate of the medical referee as resulting from the injury still continues.

(13) The certificate of the mayor mentioned in the last preceding paragraph, and, where a certificate of a medical practitioner is required under that paragraph, such certificate (which certificate or certificates must be authenticated by a *visé* of the Prefecture of the Department attesting the official status of the mayor and medical practitioner respectively), shall be forwarded, with a request for payment of the amount of the weekly payments due to the workman, to the French consular authority for the district in which the Court is situated, to be by him transmitted to the registrar.

(14) In the event of the death of a workman in receipt of weekly payments who is a French citizen residing in France, his representatives shall, for the purpose of obtaining payment of the arrears due to the workman, forward a certificate of the death of the workman and documents showing that they are entitled to such arrears, with a request for payment of such arrears, to the consular authority, to be by him transmitted to the registrar.

Form 69.

(15) On receipt of the documents mentioned in paragraph (13) or paragraph (14) the registrar shall send to the employer a notice according to the form in the Appendix, requesting him to forward the amount due; and the employer shall thereupon forward the amount to the registrar, who shall remit the same without charge to the consular authority, to be remitted to the workman or his representatives.

Anglo-Danish Workmen's Compensation Convention dated 18th November, 1925, and Order in Council, dated 1st June, 1926(a)

75A. For the purpose of and in proceedings under the Act by or on behalf of a Danish workman or by or on behalf of the dependants of a deceased Danish workman, the following additional or special provisions shall apply:—

(1) The judge shall act as arbitrator, and any question as to liability to pay compensation or as to the amount or duration of such compensation, including any question as to the amount payable in respect of the redemption of weekly payments, and in cases of death the amount payable to each dependant, shall be dealt with and determined by the judge.

(2) The request for arbitration and particulars shall state that the workman is or the deceased workman was a Danish subject.

(3) The Court in which proceedings are to be taken shall be determined in accordance with Rule 88.

(a) S.R. & O. 1926 No. 581, p. 693 below.

(4) Where the dependants or any of them are resident in Denmark, the judge may, on application in that behalf supported by such evidence as he may require, order the issue of a letter of request for the examination of witnesses residing in Denmark. The letter of request shall be accompanied by a copy of the request for arbitration with the particulars appended or annexed thereto. The forms in the Appendix shall be used for the order and the request respectively, with such variation as circumstances may require.

Form 80.
Form 81.

The party obtaining the order shall file in the Court an undertaking according to the form in the Appendix, which form may be varied as may be necessary to meet the circumstances of the particular case in which it is to be used.

Form 82.

(5) The undertaking shall be accompanied by—

- (a) the request, and a Danish translation thereof ;
- (b) a copy of the interrogatories (if any) to accompany the request and a Danish translation thereof ;
- (c) a copy of the cross-interrogatories (if any) and a Danish translation thereof.

(6) The request shall be sealed by the Court and signed by the judge, and shall then be sent to the Under-Secretary of State, Home Office, for transmission to the Danish Workmen's Insurance Council to be transmitted by them to the appropriate Court or Tribunal.

(7) Where money (other than a weekly payment under Rule 66 or arrears of weekly payments under Rule 67) is paid into Court as compensation under the Act for the benefit of any British or Danish workman or dependants of such workman resident in Denmark, the judge shall on the application of the workman or dependants order the money to be remitted to the Danish Workmen's Insurance Council to be paid to or administered for the benefit of the workman or dependants in such manner as the said Council may think fit, and in accordance with the directions (if any) of the judge.

(8) Where an order has been made under the last preceding paragraph for the remission of money to Denmark, the registrar shall send a sealed copy of the order and a crossed cheque payable to the Danish Workmen's Insurance Council (Arbejderforsikringsraadet) in an envelope, addressed to that Council at 3-5, Kongens Nytorv, Copenhagen.

(9) For the purpose of paragraphs (11) to (15) of Rule 66 relating to weekly payments, the certificate, declaration and request shall be a certificate, declaration and request issued and made by the Danish Workmen's Insurance Council in accordance with the practice prevailing in Denmark.

(10) For the purpose of Rule 67, the death certificate and other documents referred to in that Rule and the request for payment shall be issued and obtained or made by the said Council in accordance with the practice prevailing in Denmark.(a)

75B. In relation to proceedings in Denmark for compensation under the Danish Accident Insurance Law the following provisions shall apply :—

(a) Rule 75A added by S.R. & O. 1927 No. 393.

WORKMEN'S COMPENSATION

(1) Where proceedings for compensation under the Danish Accident Insurance Law are being brought in Denmark by, or on behalf of a British workman or his dependants who or any of whom are resident in England, and it is made to appear to the judge of a County Court that the Court or Tribunal in Denmark before which these proceedings are pending is desirous of obtaining the testimony of witnesses residing within the jurisdiction of the County Court, the powers conferred on a County Court by paragraphs (1) to (13) of Order XX, Rule 18 of taking depositions of witnesses may be exercised under the direction of the judge for this purpose as to any of the witnesses residing within its jurisdiction, and the despositions together with any documents therein referred to shall be sealed with the seal of the Court and shall be sent to the Under-Secretary of State, Home Office, for transmission to the Danish Workmen's Insurance Council to be transmitted by them to the Court or Tribunal before which the proceedings are pending.(a)

(2) The application for such examination shall be made to the judge and shall be supported by such evidence as the judge may require, and the powers shall be exercised and the examination conducted as far as may be in conformity with the requirements (if any) of the Danish Court or Tribunal, and the examination shall take place before the judge or registrar.

(3) Where money is remitted to a County Court from Denmark being compensation under the Danish Accident Insurance Law for the benefit of a British or Danish workman or dependants of such workman residing within the jurisdiction of that Court, the money shall be paid to or administered for the benefit of the workman or dependants, subject to any directions received from the Danish authority.

(4) On receipt of the money the registrar shall send notice in writing thereof to the workman or dependants, and shall require him or them to attend at the court in order that he or they may give the registrar such information as he shall require and receive any money payable to him or them.(a)

Costs

Costs.
Act, sched. 1,
par. 7.

76.—(1) Any costs of and incidental to an arbitration and proceedings connected therewith directed by a committee or by an arbitrator (whether agreed on by the parties or appointed by the judge), or by the judge, 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 County Court as the committee, arbitrator, or judge shall direct; and in default of such direction such costs shall be taxed according to the scale which would be applicable if the proceeding had been an action in the County Court; and the statutory provisions and rules for the time being in force as to the allowance and taxation of costs in such actions, shall apply accordingly.(b)

(2) A committee or arbitrator shall have the powers conferred on a judge by Parts III and IV of Order XLVII.(c)

(a) Rule 75B added by S.R. & O. 1927 No. 393, para. (1) as Amended by S.R. & O. 1936 No. 1309.

(b) Rule 76(1) as amended by S.R. & O. 1936 No. 1309.

(c) Rule 76(2) as substituted by S.R. & O. 1936 No. 1309.

(3) Where the subject matter of an arbitration is not a capital sum, the committee, arbitrator, or judge shall determine what, for the purpose of the allowance and taxation of costs, shall be considered to be the amount of the subject matter of the arbitration; and in default of such determination the amount shall be fixed by the registrar by whom the costs are to be taxed, subject to review by the judge.

(4) Where proceedings are taken for which no provision is made by these Rules or by the scales of costs, reasonable costs may be allowed in respect of such proceedings by the registrar, subject to review by the judge, or by special order of the judge, not exceeding those which may under the scales be allowed in respect of proceedings of a like nature.

(5) The committee, arbitrator, or judge, 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.

(6) Where any workman is examined by a medical referee on a reference under section 19 of the Act, and the certificate of the referee is used in any subsequent arbitration, any reasonable travelling and other expenses incurred by the workman in obtaining such certificate (if not otherwise provided for) may, by order of the committee, arbitrator, or judge, be allowed as costs in the arbitration.

(7) Where a workman is ordered to submit himself for examination by a medical referee appointed to report under paragraph 11 of the first schedule to the Act, any reasonable expenses incurred by such workman in travelling to attend on such referee for examination may, by order of the committee, arbitrator, or judge, be allowed as costs in the arbitration.

77. Where any costs are awarded by a committee or an arbitrator agreed on by the parties, it shall be the duty of the registrar of the court in which a memorandum of the decision of the committee or arbitration is recorded pursuant to section 23 of the Act, on application made to him, to tax such costs, and to enter in the register the amount of such costs allowed on taxation; and such entry shall be deemed to be part of such memorandum, and shall be enforceable accordingly.

Taxation
of costs
awarded by
committee
or arbitrator
agreed on
by parties.

Review of Taxation by Judge

78.—(1) An application to the judge to review any taxation of costs shall be made on notice in writing, which shall be served on the opposite party two clear days at least before the hearing of the application, unless the judge or registrar gives leave for shorter notice.

Review of
taxation.

(2) Such application shall be heard and determined upon the evidence which has been brought in before the registrar, and no further evidence shall be received on the hearing thereof unless the judge otherwise directs.

(3) The costs of and incident to the application shall be in the discretion of the judge.

(4) The result of such review shall be entered in the register.

Authority of Solicitor to receive Sum paid in respect of Costs

As to authority of solicitor to receive costs payable by adverse party.

79. Where any party to whom costs are awarded acts by a solicitor, such solicitor shall have the same authority to take out of Court or receive any sum paid into Court or payable in respect of such costs by the party against whom such costs are awarded as he would have if such costs were awarded in an action.

Costs of Solicitor or Agent under Schedule I, Paragraph 10

Application to determine costs payable to solicitor or agent. Act, Sched. I par. 10.

80.—(1) The following provisions shall apply to an application under paragraph 10 of the first schedule to the Act for the determination of the amount of costs to be paid to the solicitor or agent of a person claiming compensation under the Act.

(2) Where the sum awarded as compensation has been awarded by a committee or an arbitrator agreed on by the parties, the application shall be made to such committee or arbitrator.

(3) Where the sum awarded as compensation has been awarded by the judge or by an arbitrator appointed by him, the application may be made—

(a) to the judge or arbitrator at or immediately after the hearing of the arbitration; or

(b) at a subsequent date, but in that case it shall be made only to the judge.

(4) Where a sum has been agreed on as compensation, the application shall be made to the judge.

(5) An application made to the judge, other than an application under paragraph (3) (a) of this rule, shall be made in Court on notice in writing in accordance with Rule 50.

Form 76.

(6) Such notice shall be served on the person for whom the solicitor or agent acted in accordance with the said rule, and the provisions of the said rule shall apply to the proceedings on such application.

(7) On the hearing of any application under this rule, the committee, arbitrator, or judge may award costs to the solicitor or agent, and may make an order declaring such solicitor or agent to be entitled to recover such costs from the person for whom he acted, or to be entitled to a lien for such costs on any sum awarded as compensation to such person, or to be entitled to deduct such costs from any such sum, or may make such order or give such directions as may be just.

(8) Any costs awarded to a solicitor or agent on any such application 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 County Court as the committee, arbitrator, or judge shall direct; and in default of such direction such costs shall be taxed according to the scale which would be applicable if the proceeding had been an action in the County Court; and the statutory provisions and rules for the time being in force as to the allowance and taxation of costs in such actions shall apply accordingly; and any taxation shall be subject to review by the judge according to Rule 78.(a)

(a) Rule 80(8) as amended by S.R. & O. 1936, No. 1309.

(9) Where the subject matter of the arbitration is not a capital sum, the committee, arbitrator, or judge shall determine what, for the purpose of the allowance and taxation of such costs, shall be considered to be the amount of the subject matter of the arbitration; and in default of such determination the amount shall be fixed by the registrar by whom the costs are to be taxed, subject to review by the judge.

81. Where an order is made by a committee, arbitrator, or judge awarding costs to a solicitor or agent, and declaring such solicitor or agent to be entitled to recover such costs from the person for whom he acted, or to be entitled to a lien for such costs on any sum awarded or agreed as compensation, or to be entitled to deduct such costs from any such sum, the following provisions shall apply:—

Provisions
as to order
declaring
lien, &c.

- (a) The registrar shall, on application made to him, tax such costs.
- (b) A copy of the order, and, when the amount to which such solicitor or agent is entitled has been ascertained by taxation, a memorandum of such amount, shall, at the request and cost of the solicitor or agent, be issued by the registrar for service on the party liable to pay the sum awarded or agreed as compensation; and service thereof may be effected on such party in accordance with Rule 16.
- (c) A memorandum of such order, and when such amount has been ascertained a memorandum of such amount, shall be recorded in the register in which the memorandum or award under which the sum awarded as compensation is payable is recorded, and such last mentioned memorandum or award shall have effect subject to such order and memorandum.
- (d) The party liable to pay such compensation shall on demand pay to the solicitor or agent the amount to which he is entitled, but so that such party shall not be liable to pay any amount in excess of that which he is liable to pay for compensation, or to pay such amount by any other instalments than those by which he is liable to pay such compensation.
- (e) If the party liable to pay such compensation fails on demand to pay any amount which he is liable to pay to such solicitor or agent, the judge may, on application made to him on notice to such party in accordance with Rule 50, and on proof of the order having been served on and demand for payment made to such party, order such party to pay such sum; and in default of payment the judge may order execution to issue to levy such amount.
- (f) Payment made by or execution levied on the party liable to pay such compensation shall be a valid discharge to him, as against the party entitled to such compensation, to the amount paid or levied.
- (g) Where the sum awarded as compensation has been paid into court, the amount to which the solicitor or agent is entitled shall be paid to him out of such sum.

Execution

82.—(1) Where a party liable to pay compensation or costs under any award, memorandum, or certificate has made default in payment of the amount awarded, or where payment is to be made by instalments, of any instalment, the party entitled to such compensation or costs may apply to the court for leave to issue execution against the goods of the party in default.

Execution.
Form 77.

WORKMEN'S COMPENSATION

(2) An application for leave to issue execution shall be made on notice in writing in accordance with the County Court Rules as to interlocutory applications.

(3) Where the application is made to the registrar he may, if no cause is shown to the contrary, and on proof of the amount in payment of which default has been made, give leave for execution to issue.

(4) If cause is shown to the contrary, or if the registrar is in doubt as to the proper order to be made, he may refer the matter to the judge, who may make such order or give such directions as may be just.

(5) In particular, if in the case of a weekly payment the party liable to execution alleges that incapacity has wholly or partially ceased, the judge may, on such terms as to payment into court or otherwise as may be just, adjourn the application for such time as he may think fit, to enable the party liable to execution to file a request for arbitration with respect to the review of the weekly payment. Any such adjournment shall be without prejudice to the right of the party applying for leave to issue execution to renew his application on good cause shown.

Order XXV,
Rule 18. (6) Where the parties liable to pay compensation or costs are a firm, the provisions of Order XXV, Rule 18, shall with the necessary modifications apply to execution under this rule.(a)

Proceedings under Debtors Act, 1869, Section 5

Proceedings
under
Debtors
Act, 1869,
32 & 33 Vict.
c. 62, s. 5. **83.**—(1) Where proceedings by way of judgment summons under section 5 of the Debtors Act, 1869, are taken against a party liable to pay compensation or costs under any award, memorandum, or certificate, who has made default in payment of the amount awarded, or, where payment is to be made by instalments, of any instalment, the County Court Rules for the time being in force as to the committal of judgment debtors shall, with any necessary modifications, apply to such proceedings; Provided, that the court shall not alter the terms or mode of payment of any sum to become payable in future under any award, memorandum, or certificate, otherwise than by consent, or under section 11 of the Act.

(2) Where the amount in payment of which default has been made is not payable into court, the party applying for a judgment summons shall satisfy the court, by affidavit or otherwise, as to the amount in payment of which default has been made.

Form 78. (3) A judgment summons issued under this rule shall be according to the form in the Appendix.

(4) Where the parties liable to pay compensation or costs are a firm, the provisions of the County Court Rules as to judgment summonses on a judgment or order against a firm shall, with the necessary modifications apply to proceedings by way of judgment summons under this rule.

(a) Rule 82(6) as amended by S.R. & O. 1936 No. 1309.

Other Proceedings for Enforcement of Award, Memorandum, or Certificate

84. The County Court Rules for the time being in force as to proceedings for the enforcement of or the recovery of money due under judgments or orders of the County Court otherwise than by execution or committal shall, with the necessary modifications, apply to proceedings for the enforcement of or the recovery of money due under any award, memorandum, or certificate.

Other proceedings for enforcement of award, &c.

Setting aside Award or Order improperly obtained

85.—(1) An application for a new trial may be made and a new trial may be granted in an arbitration in accordance with the provisions of Rule 29.

Application for new trial in arbitration.

(2) Where the judge is satisfied—

When award or order may be set aside or varied.

(a) that any award, or any order as to the application of any amount awarded or agreed upon as compensation, made by the judge or by an arbitrator appointed by him, has been obtained by fraud or other improper means ; or

(b) that any person has been included in any award or order as a dependant who is not in fact a dependant as defined by the Act ; or

(c) that any person who is in fact a dependant as defined by the Act has been omitted from any award or order,

the judge may set aside or vary the award or order, and may make such order (including an order as to any sum already paid under the award or order) as under the circumstances he may think just.

(3) An application to set aside or vary an award or order under this rule shall be made in court on notice in writing, and the provisions of Rule 50 shall apply to the proceedings on such application.

(4) An application to set aside or vary an award or order under this rule shall not be made after the expiration of six months from the date of the award or order, except by leave of the judge ; and such leave shall not be granted unless the judge is satisfied that the failure to make the application within such period was occasioned by mistake, absence from the United Kingdom, or other reasonable cause.

Appeals

86. Appeals under paragraph 4 of the first schedule to the Act shall be had in accordance with the provisions of the Rules of the Supreme Court relating thereto.

Appeals. Act, sched. 1. par. 4.

87.—(1) When the Court of Appeal has given judgment on any appeal the successful party in such appeal shall deposit the order of the Court of Appeal, or an office copy thereof, with the registrar : and the registrar shall file such order or copy, and shall transmit a copy thereof to the judge : and such order shall have the same effect as if it had been a decision of the judge.

Deposit of order of Court of Appeal with registrar, and procedure thereon.

(2) If such order has the effect of an award, decision, or order in the matter in favour of any party, such order shall be served and recorded, and may be proceeded on, in the same manner as if it had been an award, decision, or order of the judge.

WORKMEN'S COMPENSATION

(3) If such order be to the effect that an award be made or a decision given or order made in favour of any party, the judge shall make such award or give such decision or make such order accordingly.

(4) If such order directs or involves a re-hearing or further hearing of an arbitration or special case or other matter, the judge shall as soon as conveniently may be appoint a day and hour for such re-hearing or further hearing, and shall instruct the registrar to give notice thereof forthwith to the parties.

(5) Generally the judge shall make such award or give such decision or make such order and give such directions and take or direct to be taken such proceedings in the matter, as may be necessary to give effect to the order of the Court of Appeal.

In what Court Proceedings may be taken

In what court proceedings may be commenced.

88.—(1) Where a county court has jurisdiction to entertain proceedings under the Act or these Rules, the court in which the proceedings are to be commenced (hereinafter called “the appropriate court”) shall be ascertained in accordance with the provisions of this Rule.

(2) Subject to the following provisions of this Rule, the appropriate court for the commencement of any proceedings, other than proceedings for the recording of a memorandum, shall be—

(a) the court in the district of which all the parties concerned reside or carry on business ; or

(b) if the parties concerned do not reside or carry on business in the same district—

(i) the court in the district of which the accident occurred, or, where the proceedings relate to a disease suffered by a workman, the court in the district of which the workman was last employed in the employment to the nature of which the disease was due ; or

(ii) the court in the district of which any party against whom relief is sought resides or carries on business.

(3) Subject to the following provisions of this Rule, the appropriate court for the commencement of proceedings for the recording of a memorandum shall be—

(a) if the workman, or, as the case may be, any dependant of his, resides, in England or Wales, the court for the district in which the workman or dependant resides ; or

(b) if the workman does not reside, or, as the case may be, if none of his dependants resides, in England or Wales—

(i) the court in the district of which the employer resides or carries on business ; or

(ii) the court in the district of which the accident occurred, or, where the memorandum relates to a disease suffered by a workman, the court in the district of which the workman was last employed in the employment to the nature of which the disease was due.

(4) Notwithstanding the provisions of paragraphs (2) and (3) of this Rule, where with respect to an accident to a workman, or with respect to the disablement or suspension of a workman by or on account of his having contracted a disease, proceedings have been determined or are pending in any court, that court shall be the appropriate court for the commencement of any subsequent proceedings concerning the workman, or his dependants, with respect to that accident, disablement or suspension.

(5) Where the proceedings relate to an accident which occurred at sea, the appropriate court shall be ascertained in accordance with paragraphs (2), (3) and (4) of this Rule and in addition to the courts therein specified any of the following courts shall be the appropriate court, that is to say, any court in the district of which—

(a) the ship or vessel is lying; or

(b) the port of registry of the ship or vessel is situate;
or

(c) the workman, or, as the case may be, any dependant of his, resides.

(6) Where the proceedings relate to an accident caused to a workman employed as a pilot, commander, navigator, or member of the crew of an aircraft when outside Great Britain, entitled to or claiming compensation under the Workmen's Compensation (Aircraft) Order, 1924,^(a) the appropriate court shall be ascertained in accordance with paragraphs (2), (3) and (4) of this Rule and in addition to the courts specified therein the appropriate court shall be the court in which the workman, or, as the case may be, any dependant of his, resides.

(7) Nothing in this Rule shall affect the power conferred by section 39 of the Act to apply to the judge of any county court or other court of record for an order for the detention of a ship.

(8) The appropriate court for taking proceedings by way of arbitration for the recovery of compensation against persons giving security pursuant to section 39 of the Act or the Shipowners Negligence (Remedies) Act, 5 Edw. 7. c. 10. 1905, shall be any court specified in paragraph (2) of this Rule, and, where the accident occurred at sea, in addition to the courts therein specified any of the following courts shall be the appropriate court, that is to say—

(i) the court in the district of which the ship is or was detained, or in which the order for detention was made or applied for;
or

(ii) the court in the district of which the workman or, as the case may be, any dependant of his, resides.

(9) Nothing in this Rule shall affect any power to transfer proceedings from one court to another or to order that proceedings commenced in the wrong court should continue in the court in which they were commenced.

(b)

(a) S.R. & O. 1924 No. 1499, p. 695 below.

(b) Rule 88 as substituted by S.R. & O. 1941 No. 1740.

Proceedings in one Court as to subject-matter of Award, Memorandum, or Certificate recorded in another Court, Section 23

Filing of certified copy of memorandum, &c., recorded in one court under Act, s. 23, before taking subsequent proceedings in another court.

89. Where an award, or a memorandum under section 23 of the Act, or a certificate under sub-section (2) of section 29 of the Act, has been recorded in any court, and any party desires to take any subsequent proceedings with reference to the subject-matter of such award, memorandum, or certificate in any other court, he shall before taking such proceedings obtain from the registrar of the first-mentioned court a certified copy of such award, memorandum, or certificate, and shall file the same in the court in which he desires to take proceedings, and the registrar of such last-mentioned court shall record the same as if it had been an award made in the court.

Transfer of Proceedings

Transfer.

90.—(1) If the judge of a court in England or Wales is satisfied that a matter under the Act pending in that court can proceed more conveniently in any other such court or in a court in Scotland, he may order the matter to be transferred to such other court.

(2) Upon the making of the order, the registrar shall transmit by registered post to the registrar or sheriff-clerk of the court named in the order all original documents filed in the matter and a certified copy of all records made with reference to the matter, and shall transfer to the court named in the order any standing to the credit of the matter in such manner as may be authorized by County Court Funds Rules.

(3) When a matter has been transferred to a court in England or Wales, whether from another such court or from a court in Scotland, the matter shall proceed in the court to which it has been transferred as if it had originally been commenced therein.(a)

Order VIII, Rule 9.

Transfer of Money paid into Court

Transfer of money paid into court. Act, sched. 2, par. 3.

91.—(1) The provisions of Rule 90 shall apply to the transfer of money paid into court under the Act from one court in Great Britain to another, and to proceedings with respect to the application of the money.(b)

(2) [*Revoked by S. R. & O. 1934 No. 1347.*]

(3) [*Revoked by S. R. & O. 1934 No. 1347.*]

91A.—(1) Where money has been paid into a court in England or Wales under the Act, the judge if satisfied that the money can be more conveniently dealt with by a county court in Northern Ireland may order the money to be transferred to that court.

(2) Where an order has been made under the last preceding paragraph, the registrar shall transmit by registered post to the Clerk of the Crown and Peace of the court in Northern Ireland all original documents filed in the matter and a certified copy of all records made with reference to the money transferred, and a cheque for the money.

(a) Rule 90 as substituted by S.R. & O. 1929 No. 267 and as amended by S.R. & O. 1934 No. 1347.

(b) Rule 91(1) as substituted by S.R. & O. 1929 No. 267.

(3) Where money paid into a court in Northern Ireland under any enactment for the time being in force in Northern Ireland relating to the compensation of workmen for injuries suffered in the course of their employment, has been ordered by that court to be transferred to a court in England or Wales, and the necessary documents have been transmitted, the money shall be received and dealt with in such manner as the judge of the court in England or Wales may think fit, subject to the directions (if any) contained in the order.(a)

The Workmen's Compensation (Transfer of Funds) Act, 1927

91B.—(1) Where money (other than a weekly payment under Rule 66 or arrears of weekly payments under Rule 67) is paid into a County Court in England or Wales as compensation under the Act for the benefit of any workman or dependants resident or about to reside in another part of His Majesty's dominions mentioned in the first column of the Schedule to this Rule, the judge of the Court in England or Wales may on the application of the workman or dependants order the money to be transferred to the other part of his Majesty's dominions to be administered for the benefit of the workman or dependants in such manner as the appropriate authority in the other part of His Majesty's dominions may think fit, and may in the order make any request regarding the administration of the money.

(2) Where an Order has been made for the transfer of money under the last preceding paragraph, the registrar shall send in an envelope addressed as prescribed in the second column of the Schedule a sealed copy of the order and at the same time forward under cover to the officer prescribed in the third column of the Schedule a crossed cheque payable to that officer. Where the payee is not the officer to whom the copy of the order is sent the registrar shall, in forwarding the copy of the order, inform the addressee that a cheque is being so transmitted.

(3) Where money paid under the law relating to workmen's compensation in force in a part of His Majesty's dominions mentioned in the first column of the Schedule is transferred in pursuance of an order of the competent authority in that part of His Majesty's dominions to a County Court in England or Wales for the benefit of a workman or dependants residing within the jurisdiction of that Court, the appropriate County Court shall receive and administer the money for the benefit of the workman or dependants, as if it were compensation paid into Court for his or their benefit under the Workmen's Compensation Act, 1925, and shall, so far as possible consistently with that object, take into account and act upon any request contained in the order of the transmitting Court regarding the administration of the money.

(4) On receipt of the money the registrar shall send notice in writing thereof to the workman or dependants and may require him or them to attend at the Court in order that he or they may give the registrar such information as he may require and receive any money payable to him or them.(b)

(a) Rule 91A added by S.R. & O. 1929 No. 267 and as amended by S.R. & O. 1934 No. 1347.

(b) Rule 91B added by S.R. & O. 1934 No. 708.

WORKMEN'S COMPENSATION

SCHEDULE (a)

First Column.	Second Column.	Third Column.
Part of His Majesty's dominions with which an arrangement has been made.	Address for transmission of order from England or Wales.	Officer to whom cheques transmitted from England or Wales are to be sent and made payable.
Southern Rhodesia	The Master of the High Court, Salisbury, Southern Rhodesia.	The Master of the High Court of Southern Rhodesia.
Victoria	The Agent-General for Victoria, Victoria House, Melbourne Place, London, W.C.2.	The Agent-General for Victoria in London.
New South Wales ...	The Registrar, The Workers Compensation Commission of New South Wales, Sydney, New South Wales.	The Secretary, New South Wales Government Offices, Australia House, The Strand, London.
Queensland ...	The Public Curator of Queensland, Brisbane, Queensland.	The Agent-General for Queensland in London.
India	The Chief Accounting Officer of the High Commissioner for India, India House, Aldwych, London, W.C.2.	The Chief Accounting Officer of the High Commissioner for India, India House, Aldwych, London, W.C.2.
Tasmania	The Agent-General for Tasmania, Australia House, Strand, London, W.C.2.	The Agent-General for Tasmania in London.
New Zealand ...	The Registrar of the Court of Arbitration, Wellington, New Zealand.	The Clerk of Awards, Court of Arbitration, Wellington, New Zealand.
South Africa ...	The Workmen's Compensation Commissioner, Department of Labour, Union Buildings, Pretoria.	The Secretary for Labour, Union Buildings, Pretoria.
Eire	The Secretary, Department of Justice, Upper Merrion Street, Dublin.	The Accountant, Department of Justice, Dublin.

(a) Schedule added by S.R. & O. 1934 No. 708 and as amended by S.R. & O. 1934 No. 1347; 1936 No. 1309; 1938 No. 687; 1939 No. 835; 1940 No. 1562 and 1941 No. 1740.

Filing and Service of Documents and Notices

92.—(1) Where any document is to be filed with the registrar under these Rules, 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.

(2) Where any document is to be so filed, there shall be filed with the original document as many copies of the document as there are persons to whom copies of the document or any part thereof are to be sent by the registrar, and in addition a copy for the use of the judge or arbitrator.

(3) Where any document is under these Rules to be sent to any person by the registrar, that document may be sent by post.

(4) Any proceeding, document, or notice which is under these rules to be served on any party may be served on such party by the opposite party or his solicitor; and where no special provision as to the mode of service is made by these rules, any such proceeding, document, or notice may be served on such party, or where he acts by a solicitor, on his solicitor, in manner provided by sub-sections (3) and (4) of section 14 of the Act with reference to service of notice in respect of an injury; and the provisions of Order VIII, Rule 39, shall apply to the service of any such proceeding, document, or notice.(a)

Act,
s. 14(3), (4).

Order VIII.
Rule 39.

Procedure Generally

93. The provisions of Order VIII, Rules 6 and 39, Order XXIV, Rule 8 (3) and Order XLVIII, Rule 11, as to parties acting by solicitors, and as to substituted service and notice of lieu of service, shall apply to proceedings under the Act.(a)

Provisions
as to parties
acting by
solicitors,
and as to
substituted
service and
notice in lieu
of service.

94. Rules 7 and 35 shall apply to all proceedings under the Act and these Rules in the like manner as to proceedings by way of arbitration.

Proceedings
where Crown
a party.

95.—(1) In any proceedings under the Act or these Rules arising out of an injury to a workman employed by or under the Crown, in which, if the employer were a private person, such employer would be a necessary party, the head of the department by in or under which the workman was employed, or, where the department is administered by a Board or by Commissioners, such Board or Commissioners, shall be made a party under his or their official title as representing the Crown.

(2) In any such case any proceeding, document, or notice to be served on the head of the department, or on the Board or Commissioners, may be served on the permanent secretary to the department, subject to the provisions of these rules as to service on parties acting by solicitors.

Service of
documents,
&c.

96. Where any matter or thing is not specially provided for under these rules, the same procedure shall be followed and the same provisions shall apply, as far as practicable, as in a similar matter or thing under the County Courts Act, 1934, and the rules made in pursuance of that Act, in so far as such procedure and provisions are applicable to proceedings by way of arbitration.(a)

Procedure
where not
otherwise
provided for.

(a) Rules 92(4), 93 and 96 as amended by S.R. & O. 1936 No. 1309.

Record of Proceedings—Special Register

Record of proceedings before judge or arbitrator. Special register. Form 79.

97. Proceedings under the Act before the judge or an arbitrator appointed by him shall be recorded in the books of the court in the manner in which other proceedings in the court are recorded; and the registrar shall also keep a special register for the purposes of the Act, in which he shall record—

- (1) A memorandum of every application made to the judge for the settlement of any matter by arbitration;
- (2) A memorandum of every appointment of an arbitrator to settle any such matter made by the judge;
- (3) A memorandum of every proceeding taken in any arbitration before the judge or an arbitrator appointed by him prior to the award;
- (4) A memorandum of every appointment of a medical referee by the judge or arbitrator, and of his report, and if a medical referee is summoned or requested to attend any proceeding in the arbitration, of such summons or request and attendance;
- (5) A memorandum of every award made by the judge, or by an arbitrator appointed by him;
- (6) A memorandum of every special case submitted to the judge, and of the proceedings and order thereon;
- (7) A memorandum of every judgment given by the Court of Appeal on any appeal;
- (8) A memorandum of every application to the court for the examination of an employer pursuant to Rule 37, paragraph (2), and of the order and proceedings thereon;
- (9) A memorandum of every application to the court for the detention of a ship pursuant to section 39 of the Act and Rules 39 and 40, and of the order and subsequent proceedings thereon;
- (10) A memorandum of every application to the judge for the appointment of an arbitrator in case of the death or refusal or inability to act of an arbitrator agreed on by the parties, and of the proceedings and order thereon;
- (11) A copy of every memorandum sent to the registrar pursuant to section 23 of the Act, and of the report (if any) of the medical referee annexed thereto, with a note stating whether such memorandum was recorded without further proof, or after inquiry, or by order of the judge;
- (12) If such memorandum is recorded after inquiry, a memorandum of the inquiries made and of the result thereof;
- (13) If such memorandum is recorded by order of the judge, a memorandum of the application to the judge, and of the order made thereon;
- (14) If in the case of a memorandum of an agreement the registrar refers the matter to the judge, a memorandum of such reference, and of the directions of the judge, and the subsequent proceedings and order thereon;

- (15) A memorandum of the result of every taxation or review of taxation of costs under any such memorandum, or under any award or order ;
- (16) A memorandum of every application to rectify the register in respect of any memorandum, and of the proceedings and order thereon ;
- (17) A memorandum of every application or report with reference to the removal of the record of a memorandum of an agreement from the register, and of the subsequent proceedings and order thereon ;
- (18) A memorandum of every application to the judge or arbitrator, under paragraph 10 of the first schedule to the Act, to determine the amount of costs to be paid to a solicitor or agent, and of the proceedings and order thereon, and of the result of any taxation or review of taxation under such order ;
- (19) A copy of every certificate under sub-section (2) of section 29 of the Act given by the court or sent to the registrar from any other court ;
- (20) A memorandum of every proceeding taken in the court for the enforcement of any award, order, memorandum, or certificate, and of the result of such proceeding ;
- (21) A memorandum of every application to refer a matter to a medical referee pursuant to section 19 of the Act, and of the order and subsequent proceedings thereon ;
- (22) A memorandum of every application to the court for the suspension of the right to compensation or to take or prosecute any proceedings under the Act in relation to compensation, or of the right to weekly payments, and of the proceedings and order thereon ;
- (23) A memorandum of every sum paid into court pursuant to section 26 of the Act, or under any award, memorandum, or certificate ;
- (24) A memorandum of every application made to the court with reference to any such sum, and of every order made on such application, and of the manner in which such sum is invested applied, or disposed of ;
- (25) A memorandum of every application for the payment of any weekly payment into court, and of the proceedings and order thereon, and of the directions given as to the payment out or application of any such weekly payment ;
- (26) A memorandum of every application for variation of an order of the court as to the apportionment, investment, or application of any sum paid as compensation, and of the proceedings and order thereon ;
- (27) A memorandum of every application to refer a matter to a medical referee pursuant to section 16 of the Act in the case of a workman intending to cease to reside in the United Kingdom, the Channel Islands, or the Isle of Man, and of the order and the proceedings thereon ; and of every certificate and declaration of identity and request for payment received from such workmen, and of the proceedings thereon ;

- (28) A similar memorandum as to the investment or transmission to France of any sum payable in redemption of a weekly payment to a workman who is a French citizen, or of any sum payable as compensation to the dependants of a deceased workman who was a French citizen, or of the proceedings where a workman who is a French citizen is in receipt of a weekly payment and intends to return to France ;
- (29) A memorandum of every application to set aside or vary an award or order under Rule 85, and of the proceedings and order thereon ;
- (30) A memorandum of every certified copy given pursuant to Rule 89, or a copy of every certified copy filed pursuant to that rule;
- (31) A memorandum of every application for transfer, and of the order thereon, and the proceedings under such order ;
- (32) A memorandum of the transmission of documents and certified copies pursuant to paragraph (11) of Rule 39 or paragraphs (iii) or (iv) of Rule 40 ;
- (33) A memorandum of the transfer of any money paid into court to any other court ;
- (34) The like memorandum as to every matter transferred, or document or certified copy transmitted or money transferred to the court, as would have been recorded as to such matter, document, or money if it had been originally commenced and prosecuted in or transmitted to or paid into the court ;
- (35) A memorandum of any other matter which the judge shall order to be recorded with reference to any matter brought into or proceeding taken in the court under the Act.

Summoning of and References to Medical Referees

Summoning
of and
references to
medical
referees.

98.—(1) Where a medical referee is summoned as an assessor or any matter is referred to a medical referee, the medical referee to be summoned or to whom the matter is to be referred shall in the absence of special circumstances be one of those appointed by the Secretary of State for the area comprising the district of the court in which the arbitration is pending or the case arises.

Provided that if any medical referee has been specially appointed, whether for that area or otherwise, for the purpose of dealing with any specified case or class of cases, the registrar in any such case shall summon, or the matter shall be referred to, the medical referee so appointed.

Provided also, that where a medical referee has been previously summoned as an assessor, or there has been a previous reference in any case, any subsequent summons or reference in the same case shall, if possible, be sent or made to the same referee, and shall in any case be accompanied by the previous report or certificate (if any) of the medical referee, or by a copy thereof.

(2) Where a medical referee is summoned as an assessor, or any matter is referred to a medical referee, such referee shall be summoned or the matter shall be referred subject to and in accordance with any regulations made by the Secretary of State and the Treasury; and any such regulations shall, so far as they affect the County Court or an arbitrator appointed by the judge of the County Court, and proceedings in the County Court or before any such arbitrator, have effect as Rules of Court.

Regulations of Secretary of State and Treasury.

(3) In particular, if such regulations as in the preceding paragraph mentioned provide that an employer or a workman who desires any matter to be referred to a medical referee under paragraph (f) of subsection (1) of section 43 of the Act shall apply to the registrar of a County Court for the matter to be so referred, it shall be the duty of the registrar to refer the same in accordance with such regulations.

References under Act, s. 43(1) (f).

(4) The registrar shall keep a record in the form prescribed by regulations made by the Secretary of State of all cases in which medical referees, are summoned as assessors or matters are referred to medical referees, and shall forward a copy of the same to the Secretary of State at such times as may be prescribed by such regulations.

Record and returns as to references.

Matters, how distinguished

99. Every matter brought into the court under the Act shall be intituled in the matter of the Act, and shall be distinguished by a separate number; and all documents filed and subsequent proceedings taken in the court with reference to such matter shall be intituled in like manner, and shall be distinguished by the same number; and the entries made in the special register with respect to each such matter shall be entered together, and shall be kept separate from the entries with respect to any other matter.

Matters, how distinguished.

Forms

100. The forms in the Appendix, where applicable, and where they are not applicable forms of the like character, with such variations as the circumstances may require, may be used in proceedings under the Act.

Forms in Appendix or like forms may be used.

Supply and filling up of Forms

101.—(1) The registrar of any court may apply to the Lord Chancellor for any of the forms required to be used by parties to proceedings in court under the Act, notwithstanding that such forms are marked on the Appendix as “not to be printed,” and if such application is granted may obtain such forms and supply them without charge for the use of parties to such proceedings.

Supply of forms.

(2) Where any party to any proceedings is illiterate, and unable to fill up any form required to be used, it shall be the duty of the registrar or his clerk to fill up such form.

Filling up of forms.

WORKMEN'S COMPENSATION

We hereby submit these rules to the Lord Chancellor.

Edward Bray.
T. C. Granger.
J. W. McCarthy.
J. J. Parfitt.
Arthur L. Lowe.
A. H. Coley.

I allow these Rules, which shall come into force on the 1st day of May, 1926.

Dated the 28th day of April, 1926.

Cave, C.

APPENDIX

FORM I

APPLICATION FOR ARBITRATION BY INJURED WORKMAN WITH RESPECT TO THE COMPENSATION PAYABLE TO HIM

Rule 9

In the County Court of _____ holden at _____
In the matter of the Workmen's Compensation Act, 1925.
No. of Matter _____
In the matter of an arbitration between

A.B.

of (address)
(description)

Applicant,

and

C.D. & Co., Limited,

of (address)
(description)

Respondent.

1. On the _____ day of _____ personal injury by accident arising out of and in the course of his employment was caused to A.B. _____ a workman employed by C.D. & Co., Limited, [or by _____, a contractor with C.D. & Co., Limited, _____ for the execution of work undertaken by them].

2. A question has [or questions have] arisen [here state the questions, specifying only those which have arisen, e.g.]—

(a) as to whether the said A.B. _____ is a workman to whom the above-mentioned Act applies; or

(b) as to the liability of the said C.D. & Co., Limited, _____ to pay compensation under the above-mentioned Act in respect of the said injury; or

(c) as to the amount [or duration] of the compensation payable by the said C.D. & Co., Limited, _____ to the said A.B. _____ under the above-mentioned Act in respect of the said injury. [or as the case may be.]

3. An arbitration under the above-mentioned Act is hereby requested between the said A.B. _____ and the said C.D. & Co., Limited, _____ for the settlement of the said question [or questions].

4. Particulars are hereto appended [or annexed].

PARTICULARS

1. Name and address of applicant.

2. Name, place of business, and nature of business of respondent.

3. Nature of employment of applicant at time of accident, and whether employed under respondent or under a contractor with him. [*If employed under a contractor who is not a respondent, name and place of business of contractor to be stated.*]

4. Date and place of accident, nature of work, on which workman was then engaged, and nature of accident, and cause of injury.

5. Nature of injury.

6. Particulars of incapacity for work, whether total or partial, and estimated duration of incapacity.

7. Average weekly earnings during the 12 months previous to the injury, if the applicant has been so long employed under the employer by whom he was immediately employed, or if not, during any less period during which he has been so employed.

8. Average weekly amount which the applicant is earning or is able to earn in some suitable employment or business after the accident.

9. Payment, allowance or benefit received from employer during the period of incapacity.

10. Amount claimed as compensation.

11. Date of service of statutory notice of accident on respondent, and whether given before workman voluntarily left the employment in which he was injured. [*A copy of the notice to be annexed.*]

12. If notice not served, reason for omission to serve same.

The names and addresses of the applicant and his solicitor are :
Of the applicant,
Of his solicitor,

The name and address of the respondent to be served with this application are :

Dated this day of
(Signed)

[Or

Applicant.

Applicant's Solicitor.]

WORKMEN'S COMPENSATION

FORM 2

Rule 9

APPLICATION FOR ARBITRATION BY OR ON BEHALF OF DEPENDANTS OF DECEASED WORKMAN, WITH RESPECT TO THE COMPENSATION PAYABLE IN RESPECT OF THE INJURY TO SUCH DEPENDANTS, WHERE DEATH HAS RESULTED FROM AN INJURY TO THE WORKMAN, AND THE SETTLEMENT OF QUESTIONS AS TO WHO ARE DEPENDANTS, AND THE APPORTIONMENT AND APPLICATION OF SUCH COMPENSATION.

In the County Court of _____, holden at _____
In the matter of the Workmen's Compensation Act, 1925.
No. of Matter _____

In the matter of an arbitration between
E.F. _____ of (address) _____ Applicant,
(description) _____ and _____
C.D. & Co., Limited, of (address) _____
(description) _____ and _____
G.H. _____ of (address) _____ Respondents
(description) _____

[or as the case may be ; see Rule 4.]

1. On the _____ day of _____ personal injury by accident arising out of and in the course of his employment was caused to A.B. _____ late of _____, deceased, a workman employed by C.D. & Co., Limited [or by _____ a contractor with C.D. & Co., Limited, for the execution of work undertaken by them,] and on the _____ day of _____ the death of the said A.B. _____ resulted from the injury.

2. A question has [or questions have] arisen [here state the questions, specifying only those which have arisen, e.g.]—

- (a) as to whether the said A.B. _____ was a workman to whom the above-mentioned Act applied ; or
- (b) as to the liability of the said C.D. & Co., Limited, _____ to pay compensation under the above-mentioned Act to the dependants of the said A.B. _____ in respect of the injury caused to them by the death of the said A.B. _____ ; or
- (c) as to the amount of compensation payable by the said C.D. & Co., Limited, _____ to the dependants of the said A.B. _____ under the above-mentioned Act in respect of the injury caused to them by the death of the said A.B. _____ ; or
- (d) as to who are dependants of the said A.B. _____ within the meaning of the above-mentioned Act ; or
- (e) as to the apportionment and application of the compensation payable by the said C.D. & Co., Limited, _____ to the dependants of the said A.B. _____ in respect of the injury caused to them by the death of the said A.B. _____

[or as the case may be.]

3. An arbitration under the above-mentioned Act is hereby requested between E.F. _____, the legal personal representative of the said A.B. _____, acting on behalf of the dependants of the said A.B. _____ [or between E.F. _____, a dependant of the said A.B. _____] and the said C.D. & Co., Limited, _____, and G.H. _____, who claims or may be entitled to claim to be a dependant of the said A.B. _____

[or as the case may be ; see Rule 4.]

or the settlement of the said question [or questions].

4. Particulars are hereto appended [*or annexed*].

PARTICULARS

1. Name and late address of deceased workman.

2. Name, place of business, and nature of business of respondent from whom compensation is claimed.

3. Nature of employment of deceased at time of accident, and whether employed under respondent or under a contractor with him. [*If employed under a contractor who is not a respondent, name and place of business of contractor to be stated.*]

4. Date and place of accident, nature of work on which deceased was then engaged, and nature of accident and cause of injury.

5. Nature of injury to deceased, and date of death.

6. Earnings of deceased during the three years next preceding the injury, if he had been so long in the employment of the employer by whom he was immediately employed, or if the period of his employment had been less than the said three years, particulars of his average weekly earnings during the period of his actual employment under the said employer.

7. Amount of weekly payments (if any) made to deceased under the Act, and of any lump sum paid in redemption thereof.

8. Name and address of applicant for arbitration.

9. Character in which applicant applies for arbitration, *i.e.*, whether as legal personal representative of deceased or as a dependant, and if as a dependant, particulars showing how he is so.

10. Particulars as to dependants of deceased by whom or on whose behalf the application is made, giving their names and addresses, and descriptions and occupations (if any), and their relationship to the deceased, and if infants, their respective ages, and stating whether they were wholly or partially dependent on the earnings of the deceased at the time of his death.

WORKMEN'S COMPENSATION

11. Particulars as to any persons claiming or who may be entitled to claim to be dependants, but as to whose claim a question arises, and who are therefore made respondents, with their names, addresses, and descriptions and occupations (if any).

12. Particulars of amount claimed as compensation, and of the manner in which the applicant claims to have such amount apportioned and applied.

13. Date of service of statutory notice of accident on respondent from whom compensation is claimed, and whether given before deceased voluntarily left the employment in which he was injured. [A copy of the notice to be annexed.]

14. If notice not served, reason for omission to serve same.

The names and addresses of the applicant and his solicitor are :
Of the applicant,
Of his solicitor,

The names and addresses of the respondents to be served with this application are :

C.D. & Co., Limited.
G.H.,

Dated this day of
(Signed)

Applicant.

[Or

Applicant's Solicitor.]

FORM 3

Rule 9

APPLICATION FOR ARBITRATION AS TO WHO ARE DEPENDANTS, OR AS TO THE AMOUNT PAYABLE TO EACH DEPENDANT, WHERE THE TOTAL AMOUNT PAYABLE AS COMPENSATION TO THE DEPENDANTS OF A DECEASED WORKMAN HAS BEEN AGREED OR ASCERTAINED.

In the County Court of , holden at

In the matter of the Workmen's Compensation Act, 1925.
No. of Matter

In the matter of an arbitration between

E.F.

of (address)
(description)

Applicant,

and

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

G.H.,
of (address)
(description)

J.K.,
of (address)
(description)
and

L.M.,
of (address)
(description)

Respondents.

[or as the case may be ; see Rule 5.]

1. On the day of personal injury by accident arising out of and in the course of his employment was caused to A.B. , late of deceased, a workman employed by C.D. & Co., Limited, [or by a contractor with C.D. & Co., Limited, for the execution of work undertaken by them,] and on the day of the death of the said A.B. resulted from the injury.

2. The amount of compensation payable by the said C.D. & Co., Limited, to the dependants of the said A.B. under the above-mentioned Act in respect of the injury caused to them by the death of the said A.B. has been agreed [or ascertained], but a question has [or questions have] arisen

[here state the questions, specifying only those which have arisen: e.g.]—

(a) as to who are dependants of the said A.B. within the meaning of the above-mentioned Act ; or

(b) as to the apportionment and application of the compensation payable to the dependants of the said A.B.

[or as the case may be.]

3. An arbitration under the above-mentioned Act is hereby requested between E.F., , the legal personal representative of the said A.B. , acting on behalf of N.O. P.R. &c., dependants of the said A.B. [or between E.F. N.O. P.R. &c., dependants of the said A.B.], and the said C.D. & Co., Limited, and G.H. J.K. , and L.M. , who are or claim or may be entitled to claim to be dependants of the said A.B.

[or as the case may be ; see Rule 5.]

for the settlement of the said question [or questions].

4. Particulars are hereto appended [or annexed].

PARTICULARS

1. Name and late address of deceased workman.

2. Name and place of business of employers by whom compensation has been paid or is payable.

3. Date of accident to deceased and date of death.

4. Agreed or ascertained amount of compensation to be paid to dependants of deceased.

5. Particulars as to whether the compensation money is still payable by the employer, or has been paid by him, and if so, to whom, and in whose hands it now is.

6. Character in which the applicant applies for arbitration, i.e., whether as legal personal representative of deceased or as a dependant, and if as a dependant, particulars showing how he is so.

WORKMEN'S COMPENSATION

4. Date and place of accident, nature of work on which deceased was then engaged, and nature of accident, and cause of injury.

5. Nature of injury to deceased, and date of death.

6. Name and address of applicant for arbitration.

7. Character in which applicant applies for arbitration, *i.e.*, whether as legal personal representative of deceased, or as a person to whom expenses in respect of which compensation is payable are due; and if the latter, particulars must be given of the circumstances under which the expenses are claimed to be due to the applicant.

8. Particulars as to any other persons who claim that expenses in respect of which compensation is payable are due to them, and who are therefore made respondents, with their names and addresses.

9. Particulars of amount claimed as compensation, and of the manner in which the applicant desires such amount to be apportioned and applied.

10. Date of service of statutory notice of accident on respondent from whom compensation is claimed, and whether given before deceased voluntarily left the employment in which he was injured. [*A copy of the notice to be annexed.*]

11. If notice not served, reason for omission to serve same.

The names and addresses of the applicant and his solicitor are :

Of the applicant,

Of his solicitor,

The names and addresses of the respondents to be served with this application are :

C.D. & Co., Limited.

G.H.

Dated this day of

(Signed)

Applicant.

[*Or*

Applicant's Solicitor.]

Rules of Court (England)

FORM 5

APPLICATION FOR ARBITRATION WITH RESPECT TO THE REVIEW, TERMINATION, DIMINUTION, INCREASE, OR REDEMPTION OF A WEEKLY PAYMENT. Rule

In the County Court of _____, holden at _____
In the matter of the Workmen's Compensation Act, 1925.
No. of Matter _____

In the matter of an arbitration between
C.D. & Co., Limited,
of (address)
(description) _____ Applicants,
and

A.B.,
of (address)
(description) _____
[or as the case may be ; see Act, Sections 11, 13.]

An arbitration under the Workmen's Compensation Act, 1925, is hereby requested between C.D. & Co., Limited, and A.B. [or as the case may be ; see Act, Sections 11, 13.] with respect to the review and termination [or diminution, increase, or redemption, as the case may be] of the weekly payment payable to the said A.B. under the said Act in respect of personal injury caused to him by accident arising out of and in the course of his employment.

Particulars are hereto appended [or annexed].

PARTICULARS

1. Name and address of injured workman.
2. Name and place of business of employer by whom compensation is payable.
3. Date and nature of accident.
4. Date of agreement, decision, award, or certificate fixing weekly payment, amount of such payment, and date from which it commenced.
5. Relief sought by applicant, whether termination, diminution, increase, or redemption.
6. Grounds on which termination, diminution, or increase is claimed.

The names and addresses of the applicants and their solicitors are :

Of the applicants,

Of their solicitors,

The name and address of the respondent to be served with this application are :

Dated this _____ day of _____

(Signed)

[Or

Applicants.

Applicant's solicitor.]

WORKMEN'S COMPENSATION

FORM 6

Rules 9, 38 APPLICATION FOR ARBITRATION BY AN INJURED MASTER, SEAMAN, APPRENTICE OR PILOT WITH RESPECT TO THE COMPENSATION PAYABLE TO HIM.

In the County Court of _____, holden at _____
In the matter of the Workmen's Compensation Act, 1925.
No. of Matter _____

In the matter of an arbitration between
A.B. _____ of (address) _____ and _____ Applicant,
(description) _____
The owners of the Ship " _____ " Respondents.

1. On the _____ day of _____ personal injury by accident arising out of and in the course of his employment was caused to A.B. _____, the master of the ship " _____ " [or a seaman [or an apprentice to the sea service or an apprentice in the sea fishing service] and a member of the crew of the ship " _____ "] [or a pilot employed on the ship " _____ "].

2. A question has [or questions have] arisen [here state the questions, specifying only those which have arisen ; e.g.]—

(a) as to whether the said A.B. _____ as a workman within the meaning of the above-mentioned Act ; or

(b) as to the liability of the owners of the said ship to pay compensation under the above-mentioned Act, in respect of the said injury ; or

(c) as to the amount [or duration] of the compensation payable by the owners of the said ship to the said A.B. _____ under the above-mentioned Act in respect of the said injury.
[or as the case may be.]

3. An arbitration under the above-mentioned Act is hereby requested between the said A.B. _____ and the owners of the said ship for the settlement of the said question [or questions].

4. Particulars are hereto appended [or annexed].

PARTICULARS

1. Name and address of applicant.

2. Name of ship of which applicant was master [or of the crew of which applicant was a member or on which applicant was employed as pilot] at time of accident, and port of registry.

3. Nature of employment at time of accident.

4. Date and place of accident, nature of work on which applicant was then engaged and nature of accident and cause of injury.

5. Nature of injury.

6. Particulars of incapacity for work, whether total or partial, and estimated duration of incapacity.

7. Average weekly earnings during the 12 months previous to the injury, if the applicant has been so long employed under the same owners, or if not, during any less period during which he has been so employed.

8. Average weekly amount which the applicant is earning or is able to earn in some suitable employment or business after the accident.

9. Payment, allowance or benefit received from employer during the period of incapacity.

10. Amount claimed as compensation.

11. Date of service of statutory notice of accident, and whether given before applicant voluntarily left the employment in which he was injured. [*A copy of the notice to be annexed.*]

12. If notice not served, reason for omission to serve same.

The names and addresses of the applicant and his solicitor are :

Of the applicant,

Of his solicitor,

The name and address of the person to be served with this application as representing the owners of the ship are :

[*State name and address of managing owner or manager, or of master of ship. See Rule 38 (6).*]

Dated this day of
(Signed)

Applicant.

[Or

Applicant's Solicitor.]

FORM 7

APPLICATION FOR ARBITRATION BY OR ON BEHALF OF DEPENDANTS OF DECEASED MASTER, SEAMAN, APPRENTICE OR PILOT. Rules 9, 38

In the County Court of , holden at

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

No. of Matter

In the matter of an arbitration between

E.F.

of (*address*)
(*description*)

Applicant,

and

The owners of the ship "
and

G.B.

of (*address*)
(*description*)

Respondents.

[*or as the case may be ; see Rule 4.*]

WORKMEN'S COMPENSATION

1. On the _____ day of _____ personal injury by accident arising out of and in the course of his employment was caused to A.B. _____ late of _____, deceased, the master of the ship "_____" [or a seaman [or an apprentice to the sea service or an apprentice in the sea-fishing service] and a member of the crew of the ship "_____" [or a pilot employed on the ship "_____"], and on the _____ day of _____ the death of the said A.B. _____ resulted from the injury. [or 1. The ship "_____" which left the port of _____ on or about the _____ day of _____ was lost with all hands on or about the _____ day of _____ [or was last heard of on or about the _____ day of _____ and is believed to have been lost with all hands].

When the said ship left the said port A.B. _____, late of _____, was the master thereof [or a seaman [or an apprentice to the sea service or an apprentice in the sea-fishing service] and a member of the crew of the said ship [or a pilot employed on the said ship].

2. A question has [or questions have] arisen [here state the questions, specifying only those which have arisen; e.g.]—

- (a) as to whether the said A.B. _____ was a workman within the meaning of the above-mentioned Act; or
- (b) as to the liability of the owners of the said ship to pay compensation under the above-mentioned Act to the dependants of the said A.B. _____ in respect of the injury caused to them by the death of the said A.B. _____; or
- (c) as to the amount of compensation payable by the owners of the said ship to the dependants of the said A.B. _____ under the above-mentioned Act, in respect of the injury caused to them by the death of the said A.B. _____; or
- (d) as to who are dependants of the said A.B. _____ within the meaning of the above-mentioned Act; or
- (e) as to the apportionment and application of the compensation payable by the owners of the said ship to the dependants of the said A.B. _____ in respect of the injury caused to them by the death of the said A.B. _____
[or as the case may be.]

3. An arbitration under the above-mentioned Act is hereby requested between E.F. _____, the legal personal representative of the said A.B. _____ [or between E.F. _____, a dependant of the said A.B. _____] and the owners of the said ship, and G.B. _____, who claims or may be entitled to claim to be a dependant of the said A.B. _____ [or as the case may be; see Rule 4.] for the settlement of the said question [or questions].

4. Particulars are hereto appended [or annexed].

PARTICULARS

1. Name and late address of master, seaman, apprentice, or pilot.

2. Name of ship of which deceased was master [or of the crew of which deceased was a member or on which deceased was employed as pilot] at time of accident or loss of ship, and port of registry.

3. Nature of employment at time of accident or loss of ship.

4. Date and place of accident, nature of work on which deceased was then engaged, and nature of accident and cause of injury [or date and place when and where ship was lost or is deemed to have been lost].

5. Nature of injury to deceased and date of death [or date when ship was lost or is deemed to have been lost].

6. Earnings of deceased during the three years next preceding the injury or date of loss, if he had been so long employed under the same owners, or if the period of his employment had been less than the said three years, particulars of his average weekly earnings during the period of actual employment under the said owners.

7. Amount of weekly payments (if any) made to deceased under the Act, and of any lump sum paid in redemption thereof.

8. Name and address of applicant for arbitration.

9. Character in which applicant applies for arbitration, *i.e.*, whether as legal personal representative of deceased or as a dependant, and if as a dependant, particulars showing how he is so.

10. Particulars as to the dependants of deceased by whom or on whose behalf the application is made giving their names and addresses, and descriptions and occupations (if any), and their relationship to the deceased, and if infants, their respective ages, and stating whether they were wholly or partially dependent on the earnings of the deceased at the time of his death.

11. Particulars as to any persons claiming or who may be entitled to claim to be dependants, but as to whose claim a question arises, and who are therefore made respondents with their names, addresses, and descriptions and occupations (if any).

12. Particulars of amount claimed as compensation, and of the manner in which the applicant claims to have such amount apportioned and applied.

Rules of Court (England)

(c) as to the amount [or duration] of the compensation payable to the said A.B. under the above-mentioned Act in respect of the said injury.

[or as the case may be.]

4. An arbitration under the above-mentioned Act is hereby requested between the said A.B. and the respondents for the settlement of the said question [or questions].

5. Particulars are hereto appended [or annexed].

PARTICULARS

[Here insert particulars of circumstances under which the application is made, and of the relief or order which the applicant claims, adapting the particulars in the preceding forms to the circumstances of the case.]

The names and addresses, &c. [as in Form 1].

NOTE.—This form to be adapted as required to an application for arbitration as between the dependants of a deceased workman and the persons giving security.

FORM 9

APPLICATION FOR ARBITRATION BY WORKMAN DISABLED BY OR SUSPENDED ON ACCOUNT OF HAVING CONTRACTED INDUSTRIAL DISEASE COMING WITHIN SECTION 43.

Rules 9, 41

In the County Court of _____, holden at _____

In the matter of the Workmen's Compensation Act, 1925.
No. of Matter _____

In the matter of an arbitration between _____

A.B.,

of (address)
(description)

Applicant,

and

C.D. & Co., Limited,

of (address)
(description)

Respondent.

1. On the _____ day of _____ Mr. _____, the certifying surgeon appointed under the Factory and Workshop Act, 1901, for the district of _____ [or Mr. _____, one of the medical referees appointed by the Secretary of State for the purposes of the Workmen's Compensation Act, 1925,] certified that A.B. of _____ was suffering from _____, a disease coming within section 43 of the Workmen's Compensation Act, 1925, and was thereby disabled from earning full wages at the work at which he was employed.

[Or 1. On the _____ day of _____ A.B. of _____ was in pursuance of special rules [or regulations] made under the Factory and Workshop Act, 1901, suspended from his usual employment on account of his having contracted _____, a disease coming within section 43 of the Workmen's Compensation Act, 1925.]

2. The said A.B. alleges that the above-mentioned disease is due to the nature of his employment in _____ [describe employment], and that he was last employed in such employment within the twelve months previous to the date of disablement or suspension by C.D. & Co., Limited.

WORKMEN'S COMPENSATION

3. A question has [or questions have] arisen
[here state the questions, specifying only those which have arisen, e.g.]—
- (a) as to whether the said A.B. is a workman to whom the Workmen's Compensation Act, 1925, applies; or
 - (b) as to the liability of the said C.D. & Co., Limited, to pay compensation under the Workmen's Compensation Act, 1925, in respect of the said disease [or suspension]; or
 - (c) as to whether the said disease was in fact contracted whilst the said A.B. was in the employment of the said C.D. & Co., Limited; or
 - (d) as to whether the said disease is due to the nature of the employment of the said A.B. under the said C.D. & Co., Limited; or
 - (e) as to the amount [or duration] of the compensation payable by the said C.D. & Co., Limited, to the said A.B. under the Workmen's Compensation Act, 1925, in respect of the said disease.

[or as the case may be.]

4. An arbitration under the above-mentioned Act is hereby requested between the said A.B. and the said C.D. & Co., Limited, for the settlement of the said question [or questions].

Particulars are hereto appended [or annexed].

PARTICULARS

1. Name and address of applicant.
2. Name, place of business, and nature of business of respondents.
3. Nature of employment of applicant under respondents to which the disease was due.
4. Nature of disease.
5. Date of disablement or suspension.
6. Names and addresses of all other employers by whom applicant was employed in the same employment during the 12 months previous to date of disablement or suspension.
7. Particulars of incapacity for work, whether total or partial, and estimated duration of incapacity.
8. Average weekly earnings during the 12 months previous to date of disablement or suspension, if the applicant has been so long employed under respondents, or if not, during any less period during which he has been so employed.
9. Average weekly amount which the applicant is earning or is able to earn in some suitable employment or business.

10. Payment, allowance, or benefit received from employer during period of incapacity.

11. Amount claimed as compensation.

12. Date of service of statutory notice of disablement or suspension on respondents. [*A copy of the notice to be annexed.*]

13. If notice not served, reason for omission to serve same.

The names and addresses, &c. [*as in Form 1*].

FORM 10

APPLICATION FOR ARBITRATION BY OR ON BEHALF OF DEPENDANTS OF DECEASED WORKMAN WHOSE DEATH HAS BEEN CAUSED BY INDUSTRIAL DISEASE. Rules 9, 41

In the County Court of holden at

In the matter of the Workmen's Compensation Act, 1925.
No. of Matter

In the matter of an arbitration between

E.F.

of (*address*)
(*description*)

Applicant,

and

C.D. & Co., Limited,

of (*address*)
(*description*)
and

G.H.

of (*address*)
(*description*)

Respondents.

[*or as the case may be ; see Rule 4.*]

1. On the day of Mr. the certifying surgeon under the Factory and Workshop Act, 1901, for the district of
[*or Mr. one of the medical referees appointed by the Secretary of State for the purposes of the Workmen's Compensation Act, 1925,*]
certified that A.B. of was suffering from a disease coming within section 43 of the Workmen's Compensation Act, 1925, and was thereby disabled from earning full wages at the work at which he was employed ; and on the day of the said A.B. . died, his death being caused by the said disease.

[*Or 1. On the day of A.B. of was in pursuance of special rules [*or regulations*] made under the Factory and Workshop Act, 1901, suspended from his usual employment on account of his having contracted , a disease coming within section 43 of the Workmen's Compensation Act, 1925, and on the day of the said A.B. died, his death being caused by the said disease.*]

WORKMEN'S COMPENSATION

[Or 1. On the day of A.B. late of died, his death being caused by , a disease coming within section 43 of the Workmen's Compensation Act, 1925.]

2. The applicant alleges that the above-mentioned disease was due to the nature of the employment of the said A.B. in (*describe employment*), and that he was last employed in such employment within the twelve months previous to his disablement or suspension [*or, if the workman died without having obtained a certificate of disablement, or was not at the time of his death in receipt of a weekly payment on account of disablement*, within the twelve months previous to his death] by C.D. & Co., Limited, of .

3. A question has [*or questions have*] arisen

[*here state the questions, specifying only those which have arisen, e.g.*]—

- (a) as to whether the said A.B. was a workman to whom the Workman's Compensation Act, 1925, applies; *or*
- (b) as to the liability of the said C.D. & Co., Limited, to pay compensation under the Workmen's Compensation Act, 1925, to the dependants of the said A.B. in respect of the injury caused to them by the death of the said A.B. ; *or*
- (c) as to whether the said disease was in fact contracted whilst the said A.B. was in the employment of the said C.D. & Co. Limited, ; *or*
- (d) as to whether the said disease was due to the nature of the employment of the said A.B. under the said C.D. & Co., Limited, ; *or*
- (e) as to whether the death of the said A.B. was in fact caused by the said disease; *or*
- (f) as to the amount of compensation payable by the said C.D. & Co., Limited, to the dependants of the said A.B. under the above-mentioned Act in respect of the injury caused to them by the death of the said A.B. ; *or*
- (g) as to who are dependants of the said A.B. within the meaning of the above-mentioned Act; *or*
- (h) as to the apportionment and application of the compensation payable by the said C.D. & Co., Limited, to the dependants of the said A.B. in respect of the injury caused to them by the death of the said A.B. .
[*or as the case may be.*]

4. An arbitration under the above-mentioned Act is hereby requested between E.F. , the legal personal representative of the said A.B. , acting on behalf of the dependants of the said A.B. [*or between E.F. , a dependant of the said A.B. , and the said C.D. & Co., Limited, and G.H. , who claims or may be entitled to claim to be a dependant of the said A.B.*

[*or as the case may be; see Rule 4.*]

for the settlement of the said question [*or questions*].

5. Particulars are hereto appended [*or annexed*].

PARTICULARS

1. Name and late address of deceased workman.

2. Name, place of business, and nature of business of respondents from whom compensation is claimed.

3. Nature of employment of deceased under respondents to which the disease was due.

4. Nature of disease.

5. Date of disablement, and date of death.

6. Earnings of deceased during the three years next preceding disablement, if he had been so long in the employment of the respondents, or if the period of his employment had been less than the said three years, particulars of his average weekly earnings during the period of his actual employment under the respondents.

7. Names and addresses of all other employers by whom deceased was employed in the same employment during the twelve months previous to the date of disablement.

8. Amount of weekly payments (if any) made to deceased under the Act and of any lump sum paid in redemption thereof.

9. Name and address of applicant for arbitration.

10. Character in which applicant applies for arbitration, *i.e.*, whether as legal personal representative of deceased or as a dependant, and if as a dependant, particulars showing how he is so.

11. Particulars as to dependants of deceased by whom or on whose behalf the application is made, giving their names and addresses, and descriptions and occupations (if any), and their relationship to the deceased, and if infants, their respective ages, and stating whether they were wholly or partially dependent on the earnings of the deceased at the time of his death.

12. Particulars as to any persons claiming or who may be entitled to claim to be dependants, but as to whose claim a question arises, and who are therefore made respondents, with their names, addresses, and descriptions and occupations (if any).

WORKMEN'S COMPENSATION

13. Particulars of amount claimed as compensation, and of the manner in which the applicant claims to have such amount apportioned and applied.

14. Date of service of statutory notice of disablement. [A copy of the notice to be annexed.]

15. If notice not served, reason for omission to serve same.

The names and addresses, &c. [as in Form 2].

FORM II

Rules 9, 37 APPLICATION FOR ARBITRATION WHERE RIGHTS OF EMPLOYER AGAINST INSURERS ARE TRANSFERRED TO WORKMAN UNDER SECTION 7.

In the County Court of holden at
In the matter of the Workmen's Compensation Act, 1925.
No. of Matter

In the matter of an arbitration between
A.B.
of (address)
(description) Applicant,
and
(name and address of Insurers) Respondents.

1. On the day of personal injury by accident arising out of and in the course of his employment was caused to A.B., a workman employed by of (name and address of employer), [or by of, a contractor with (name and address of employer) for the execution of work undertaken by him], and the said A.B. claims that the said (employer) thereupon became liable to pay compensation under the Workmen's Compensation Act, 1925, to the said A.B. in respect of such injury.
[Or where weekly payment has been settled,

1. Under an agreement [or a decision or an award or a certificate] recorded in this court on the day of a weekly payment of is payable by of (name and address of employer) to the above-mentioned A.B. as compensation for personal injury caused to the said A.B. by accident arising out of and in the course of his employment as a workman employed by the said (employer) [or by of, a contractor with the said (employer) for the execution of work undertaken by him.]

2. The respondents are insurers of the said (employer) in respect of his [or their] liability to pay such compensation.

3. The said (employer) has become a bankrupt [or made a composition or arrangement with his creditors] [or, if the employer is a company, the said has commenced to be wound up]; and the rights of the said (employer) against the respondents as such insurers in respect of his [or their] liability to the said A.B. have by virtue of section 7 of the said Act been transferred to and vested in the said A.B.

WORKMEN'S COMPENSATION

FORM 12

Rule 15

NOTICE TO APPLICANT OF DAY UPON WHICH ARBITRATION WILL BE PROCEEDED WITH.

[*Heading as in Request for Arbitration.*]

Take notice that the judge of this court [or Mr. , the arbitrator appointed by the judge of this court] will proceed with the arbitration in this matter at on the day of at the hour of o'clock in the noon.

Dated the day of .

To
Of

Registrar.

FORM 13

Rule 15

NOTICE TO RESPONDENT OF DAY UPON WHICH ARBITRATION WILL BE PROCEEDED WITH.

[*Heading as in Request for Arbitration.*]

Take notice that the judge of this court [or Mr. , the arbitrator appointed by the judge of this court] will proceed with the arbitration applied for in the request and particulars a sealed copy of which is served herewith at on the day of at the hour of o'clock in the noon; and that if you do not attend either in person or by your solicitor at the time and place above-mentioned such order will be made and proceedings taken as the judge [or arbitrator] may think just and expedient.

And further take notice that if you wish to disclaim any interest in the subject matter of the arbitration, or consider that the applicant's particulars are in any respect inaccurate or incomplete, or desire to bring any fact or document to the notice of the judge [or arbitrator] or intend to rely on any fact, or to deny (wholly or partially) your liability to pay compensation under the Act, you must file with me an answer, stating your name and address and the name and address of your solicitor (if any), and stating that you disclaim any interest in the subject matter of the arbitration, or stating in what respect the applicant's particulars are inaccurate or incomplete, or stating concisely any fact or document which you desire to bring to the notice of the judge [or arbitrator], or on which you intend to rely, or the grounds on and extent to which you deny liability to pay compensation.

Such answer, together with a copy thereof for the judge [or arbitrator], and a copy for the applicant and for each of the other respondents, must be filed with me ten clear days at least before the day of .

If no answer is filed, and subject to such answer, if any, the applicant's particulars and your liability to pay compensation will be taken to be admitted.

Dated this day of .

To
Of

Registrar.

FORM 14

ANSWER BY RESPONDENTS

Rule 18

[Not to be printed, but to be used as a Precedent.]

[Heading as in Request for Arbitration.]

Take notice—

That the respondent, G.H., disclaims any interest in the subject matter of the above arbitration.

Or

That the respondents, C.D. & Co., Limited, state that the applicant's particulars filed in this matter are inaccurate or incomplete in the particulars hereto annexed.

Or

That the respondents, C.D. & Co., Limited, desire to bring to the notice of the judge [*or arbitrator*] the facts stated in the particulars hereto annexed.

Or

That the respondents, C.D. & Co., Limited, intend at the hearing of the arbitration to give evidence and rely on the facts stated in the particulars hereto annexed.

Or

That the respondents, C.D. & Co., Limited, deny their liability to pay compensation under the Act in respect of the injury to A.B. mentioned in the applicant's particulars, on the grounds stated in the particulars hereto annexed.

PARTICULARS

1. *Particulars in which the particulars filed by the Applicant are inaccurate or incomplete.*
2. *Facts which the Respondents desire to bring to the notice of the Judge [*or Arbitrator*].*

That the applicant A.B. refuses to submit himself to medical examination as required by [*or obstructs the medical examination required by*] the respondents, C.D. & Co., Limited, in accordance with section 18 of the Act [*or refuses to submit himself for examination by a medical referee as ordered*] [*or obstructs the examination by a medical referee ordered*] in accordance with section 19 of the Act.

[*or as the case may be.*]

3. *Facts which Respondents, C.D. & Co., Limited, intend to give in evidence and rely on at the hearing of the Arbitration.*

That notice of the alleged accident [*or of death, disablement or suspension*] was not given to the respondents as required by the Act; *or*

That the claim for compensation was not made on the respondents within the time limited by the Act; *or*

That a scheme of compensation [*benefit or insurance*] for the workmen of the respondents, C.D. & Co., Limited, has been duly certified by the Registrar of Friendly Societies, and such certificate was in force at the date of the alleged accident, and the said C.D. & Co., Limited, contracted with the applicant A.B. [*or with the deceased workman*] by a contract which was in force at the date of the alleged accident, that the provisions of the said scheme should be substituted for the provisions of the Act, and the said C.D. & Co., Limited, are consequently liable only in accordance with the said scheme :

[*or as the case may be.*]

WORKMEN'S COMPENSATION

4. *Grounds on which the Respondents deny their Liability to pay Compensation.*

- (i) That the applicant A.B. is [or the deceased workman was] not a workman to whom the Act applies ; or
- (ii) That the injury to the applicant [or to the deceased workman] was not caused by accident arising out of and in the course of his employment ; or
- (iii) That the injury to the applicant [or to the deceased workman] was attributable to the serious and wilful misconduct of the applicant [or of the deceased workman], and did not result in death or serious and permanent disablement ; or
- (iv) That at the time of the alleged accident the applicant [or the deceased workman] was not immediately employed by the respondents, but was employed by of , a contractor with the respondents for the execution by or under such contractor of work undertaken by the respondents, and the accident occurred elsewhere than on, in, or about premises on which the respondents had undertaken to execute the work or which were otherwise under the control or management of the respondents ; or
- (v) That the injury to the applicant [or to the deceased workman] was caused under circumstances creating a legal liability in a person other than the respondents, to wit, [name and address of such person] to pay damages in respect thereof, and the applicant [or the deceased workman] has taken proceedings against the said and has recovered damages from him ; or
in the case of industrial disease,
- (vi) That the applicant [or the deceased workman] at the time of entering the employment of the respondents wilfully and falsely represented himself in writing as not having previously suffered from the disease mentioned in the applicant's particulars ; or
- (vii) That the disease mentioned in the applicant's particulars was not contracted whilst the applicant [or the deceased workman] was in the employment of the respondents ; or
- (viii) That the disease mentioned in the applicant's particulars was not due to the nature of the employment in which the applicant [or the deceased workman] was employed by the respondents :
[or as the case may be.]

And further take notice, that the names and addresses of the said respondents and their solicitors are :

Of the respondents,
C.D. & Co., Limited,
Of their solicitors,

Dated this day of
(Signed)

Solicitors for the Respondents,

To the Registrar of the Court, and C.D. & Co., Limited.
To the applicant, A.B., and
To the respondents
(if any, naming them).

Rules of Court (England)

FORM 15. (a)

NOTICE BY RESPONDENT OFFERING TO PAY A WEEKLY OR LUMP SUM WITH OR WITHOUT A DENIAL OF LIABILITY IN THE CASE OF AN INJURED WORKMAN.

[Not to be printed, but to be used as a precedent.]

[Heading as in Request for Arbitration.]

TAKE NOTICE—

That the respondents C.D. & Co., Limited, admit their liability to pay compensation in the above-mentioned matter.

And they hereby submit to pay to the applicant the sum of £ in satisfaction of such liability.

[Or, And in satisfaction of such liability they hereby submit to pay to the applicant the weekly sum of £ , such weekly payment to commence as from the day of , and to continue during the total or partial incapacity of the applicant for work, or until the same shall be ended, diminished, increased, or redeemed in accordance with the provisions of the above-mentioned Act.

And submit to pay to the applicant forthwith the amount of such weekly payments calculated from the day of until the first Saturday [or other usual pay day] after this submission is recorded as an agreement, and to pay thereafter the said sum of £ to the applicant on Saturday [or other usual pay day] in every week.]

[Or, where liability is denied,

TAKE NOTICE—

That the respondents, C.D. & Co., Limited, hereby submit to pay to the applicant the sum of £ in satisfaction of the compensation payable in the above-mentioned matter.

[Or, That the respondents, C.D. & Co., Limited, in satisfaction of the compensation payable in the above-mentioned matter, hereby submit to pay to the applicant the weekly sum (follow from above down to the words 'in every week').

And further take notice, that, notwithstanding such submission, the respondents deny their liability].

And further take notice, that the address of the said respondents is as follows: (state the address).

Dated this day of

(Signed)

Solicitors for the Respondents,
C.D. & Co., Limited.

To the Registrar of the Court, and
To the Applicant, A.B.

FORM 15A. (b)

NOTICE BY RESPONDENT OFFERING A LUMP SUM WITH OR WITHOUT A DENIAL OF LIABILITY IN THE CASE OF A DECEASED WORKMAN.

[Not to be printed, but to be used as a precedent.]

[Heading as in Request for Arbitration.]

TAKE NOTICE—

That the respondents, C.D. & Co., Limited, admit their liability to pay compensation in the above-mentioned matter, and herewith pay into Court the sum of £ in satisfaction of such liability.

[Or, where liability is denied,

(a) FORM 15 as substituted by S.R. & O. 1930 No. 385.

(b) FORM 15A added by S.R. & O. 1930 No. 385.

WORKMEN'S COMPENSATION

TAKE NOTICE—

That the respondents, C.D. & Co., Limited, hereby submit to pay the sum of £ in satisfaction of the compensation payable in the above-mentioned matter.

[*Or*, That the respondents, C.D. & Co., Limited, herewith pay into Court the sum of £ in satisfaction of the compensation payable in the above-mentioned matter.]

And further take notice that, notwithstanding such submission [*or* payment into Court], the respondents deny their liability.]

And further take notice, that the address of the said respondents is as follows: (*state the address*).

Dated the day of

(Signed)

Solicitor for the Respondents,
C.D. & Co., Limited.

To the Registrar of the Court, and

To the Applicant, A.B., and

To the Respondents

(*if any, naming them*).

FORM 16 (a)

NOTICE OF FILING OF OFFER TO PAY A WEEKLY OR LUMP SUM WITH OR WITHOUT A DENIAL OF LIABILITY IN THE CASE OF AN INJURED WORKMAN.

[*Heading as in Request for Arbitration.*]

TAKE NOTICE—

That the respondents, C. D. & Co., Limited, have this day filed with me a notice (copy of which is sent herewith) that they admit their liability to pay compensation in the above-mentioned matter and submit to pay to you the sum of £ in satisfaction of such liability.

[*Or*, and submit to pay to you the weekly sum of £ in satisfaction of such liability.]

[*Or*, TAKE NOTICE—

That the respondents, C.D. & Co., Limited, have this day filed with me a notice (copy of which is sent herewith) that they deny their liability to pay compensation in the above-mentioned matter, but that they submit to pay to you the sum of £ in satisfaction of your claim.

(*Or*, but that they submit to pay to you the weekly sum of £ in satisfaction of your claim.)]

If you elect to accept such weekly or lump sum in satisfaction of your claim, you must send to the Registrar of this Court, and to the said C.D. & Co., Limited, a written notice of acceptance forthwith by post, or leave such notice at the office of the Registrar, and at the residence or place of business of the said C.D. & Co., Limited.

If you send such notice, the arbitration will be stayed pending the determination of the question whether a memorandum shall be recorded of the above submission and of your acceptance.

In default of such notice, the arbitration will be proceeded with.

Dated this day of 19 .

To the Applicant,

Registrar.

(a) FORM 16 as substituted by S.R. & O. 1930 No. 385.

Rules of Court (England)

FORM 17 (a)

NOTICE OF FILING OF OFFER OF A LUMP SUM WITH OR WITHOUT A DENIAL
OF LIABILITY IN THE CASE OF A DECEASED WORKMAN.

[*Heading as in Request for Arbitration.*]

TAKE NOTICE—

That the respondents, C.D. & Co., Limited, have this day filed with me a notice (copy of which is sent herewith) that they admit their liability to pay compensation in the above-mentioned matter, and have paid into Court the sum of £ in satisfaction of such liability.

[*Or,*

TAKE NOTICE—

That the respondents, C.D. & Co., Limited, have this day filed with me a notice (copy of which is sent herewith) that they deny their liability to pay compensation in the above-mentioned matter, but that they submit to pay the sum of £ in satisfaction of the compensation payable in the above-mentioned matter. [*Or, but that they have paid into Court the sum of £ in satisfaction of the compensation payable in the above-mentioned matter.*]

If you are willing to accept the sum offered in satisfaction of the compensation payable in the above-mentioned matter, you must send to the Registrar of this Court, and to the said C.D. & Co., Limited, and to the other respondents [*or where this notice is sent to a respondent, to the applicant and the other respondents*], a written notice of acceptance forthwith by post, or leave such notice at the office of the Registrar and at the residence or place of business of the said C.D. & Co., Limited, and at the residence or place of business of each of the other respondents [*or of the applicant and each of the other respondents.*]

If you and all the respondents (if any) other than the said C.D. & Co., Limited, [*or if you and the applicant and all the respondents (if any) other than the said C.D. & Co., Limited*] send such notice, the arbitration will be stayed pending the determination of the question whether a memorandum shall be recorded of the above-mentioned submission for payment into Court) and of your acceptance.

If you and all the other respondents (if any) other than the said C.D. & Co., Limited, [*or if you and the applicant and all the respondents (if any) other than the said C.D. & Co., Limited*] send such notice but do not agree as to the apportionment and application of the said sum of £ the arbitration will be proceeded with as between you and such other respondents [*or as between the applicant and yourself and such other respondents.*]

In default of such notice being sent by you and all the respondents (if any) other than the said C.D. & Co., Limited, [*or by the applicant and yourself and all the respondents (if any) other than the said C.D. & Co., Limited*] the arbitration will be proceeded with; and if no greater amount than the said sum of £ is awarded as compensation the parties who do not send such notice will be liable to pay the costs incurred by the respondents C.D. & Co., Limited, subsequent to the receipt by such parties of this notice, and also any costs incurred subsequent to the receipt of this notice by any parties who send notice of their willingness to accept the said sum of £ in satisfaction of the compensation payable in the above-mentioned matter.

Dated this day of

Registrar.

To the Applicant, A.B.
[*or To the Respondent, G.H.*]
[*or as the case may be.*]

(a) FORM 17 as substituted by S.R. & O. 1930 No. 385.

WORKMEN'S COMPENSATION

FORM 18 (a)

NOTICE OF ACCEPTANCE OF A WEEKLY OR LUMP SUM OFFERED IN THE
CASE OF AN INJURED WORKMAN.

[Not to be printed, but to be used as a precedent.]

[Heading as in Request for Arbitration.]

TAKE NOTICE—

That the applicant accepts the sum of £ offered by the respondents, C.D. & Co., Limited, in satisfaction of the compensation payable in the above-mentioned matter.

[Or, That the applicant accepts the weekly sum offered by the respondents, C.D. & Co., Limited, in satisfaction of the compensation payable in the above-mentioned matter.]

FORM 18A (b)

NOTICE OF ACCEPTANCE OF A LUMP SUM OFFERED IN THE CASE OF A
DECEASED WORKMAN.

[Not to be printed, but to be used as a precedent.]

[Heading as in Request for Arbitration.]

TAKE NOTICE—

That the applicant accepts the sum of £ offered by the respondents, C.D. & Co., Limited, in satisfaction of the compensation payable in the above-mentioned matter.

FORM 18B (b)

FORM OF MEMORANDUM WHERE OFFER HAS BEEN MADE BY RESPONDENT
TO PAY WEEKLY OR LUMP SUM WITH OR WITHOUT DENIAL OF LIABILITY.

(i) In case of injury to workman by accident—

[Heading as in Form 36.]

Be it remembered that on the day of , 19 , personal injury was caused at (state place of accident) to the above-named applicant, a workman under no legal disability *[or an infant under the age of 21 years]* by accident arising out of and in the course of his employment by the above-named respondent.

And that on the day of , 19 , the said applicant duly applied to the above-mentioned Court for an arbitration to settle questions arising between him and the above-named respondent.

And that on the day of , 19 , the above-named respondent filed with the Registrar a notice admitting liability *[or denying liability but submitting]* to pay to the above-named applicant the weekly sum of to commence as from the day of 19 , and to continue during the total or partial incapacity of the said applicant for work or until the same shall be ended diminished, increased, or redeemed in accordance with the provisions of the above-mentioned Act.

(a) FORM 18 as substituted by S.R. & O. 1930 No. 385.

(b) FORMS 18A and 18B added by S.R. & O. 1930 No. 385.

Rules of Court (England)

[And submitted [but denied liability] to pay the sum of £ in satisfaction of the claim of the said applicant.]

And that on the day of , 19 , the said applicant duly filed with the Registrar a notice accepting such weekly payment [or such sum of £ in satisfaction as aforesaid.]

(ii) In case of death resulting from injury—
[Heading as in Form 36.]

Be it remembered that on the day of , 19 , personal injury was caused at (state place of accident) to , late of , deceased by accident arising out of and in the course of his employment by the above-named respondent, and that on the day of , 19 , the said died as the result of such injury.

And that on the day of , 19 , the above-named applicant duly applied to the above-mentioned Court for an arbitration to settle questions arising between him (them) and the above-named respondent.

And that on the day of , 19 , the above-named respondent filed with the Registrar a notice admitting (or denying) liability to pay compensation in the above-mentioned matter and paid into Court [or submitted to pay] the sum of £ in satisfaction of all liability in respect of the claim of the said applicant.

And that on the day of , 19 , the above-named applicant filed with the Registrar a notice accepting the said sum of £ in satisfaction as aforesaid.

The said notices (and payment into Court) constitute an agreement within the meaning of section 23 of the above-mentioned Act.

You are hereby requested to record this memorandum pursuant to the said section.

Dated this day of , 19 .

Applicant
(or Respondent).

Note.—This form may be adapted for cases not covered by the above words, by adopting the appropriate parts of Form 36.

FORM 18C (a)

NOTICE OF AN APPLICATION FOR AN ORDER AS TO COSTS.

[Not to be printed, but to be used as a precedent.]

[Heading as in Request for Arbitration.]

Take notice that I intend to apply to the Judge at on the day of , 19 , at the hour of o'clock in the noon (in case of a notice by a Solicitor on behalf of , of) for an award directing how and by whom the costs of these proceedings should be borne and for such further or other order as the circumstances may require.

Dated this day of .

Applicant
(or Applicant's
Solicitor).
(or as may be).

To the Registrar of the Court
and to
and to (all parties interested).

WORKMEN'S COMPENSATION

FORM 19

Rule 41

APPLICATION FOR ADDITION OF EMPLOYER AS RESPONDENT UNDER SECTION 43, SUB-SECTION (1), PARAGRAPH (c), PROVISO (ii).

[Not to be printed, but to be used as a precedent.]

[Heading as in Request for Arbitration.]

Take notice—

That the respondents, C.D. & Co., Limited, allege that the disease mentioned in the applicant's particulars filed in this matter was in fact contracted while the applicant [or the deceased workman] was in the employment of of and not whilst in the employment of the said C.D. & Co., Limited.

And the said C.D. & Co., Limited, hereby apply for an order that the said be joined as respondents in the above arbitration, and if necessary for an adjournment of the hearing of the arbitration.

Dated this day of
(Signed) C.D. & Co., Limited.
By Secretary.

[Or Solicitors for the Respondents,
C.D. & Co., Limited.

To the Registrar of the Court.

FORM 20

Rule 41

ORDER ADDING RESPONDENTS.

[Heading as in Request for Arbitration.]

It is this day ordered on the application of the respondents, C.D. & Co. Limited, that of be added as respondents to this arbitration [and that the hearing of this arbitration be adjourned to the day of at o'clock in the noon.]

Dated this day of Registrar.

FORM 21

Rule 41

NOTICE TO APPLICANT AND ORIGINAL RESPONDENTS OF ADDITION OF RESPONDENTS.

[Heading as in Request for Arbitration.]

Take notice—

That by order dated the day of it was ordered on the application of the respondents, C.D. & Co., Limited, (a copy whereof is hereto annexed), that of be added as respondents to this arbitration [and that the hearing of this arbitration be adjourned to the day of at o'clock in the noon.]

Dated this day of Registrar.

To the Applicant
and
The Respondents,
C.D. & Co., Limited.

Rules of Court (England)

FORM 22

NOTICE TO PARTIES WHO ARE ADDED AS RESPONDENTS.

Rule 41

[Heading as in Request for Arbitration.]

To Messrs. _____ of
[address and description].

Take notice—

That by an order of this court, dated the _____ day of _____ a copy of which order is hereunto annexed, together with a copy of the request and particulars filed by the applicant in this matter, and a copy of the application on which the said order was made, you were ordered to be added as a respondent in the above arbitration.

And further take notice, that the hearing of the above arbitration has been appointed for the _____ day of _____ at _____ o'clock in the _____ noon, and that if you do not attend, either in person or by your solicitor, at the court-house at _____ upon the day and at the hour above-mentioned, such order will be made and proceedings taken as the judge [or arbitrator] may think just and expedient.

And further take notice, that if you wish to disclaim any interest in the subject matter of the arbitration, or consider that the applicant's particulars are in any respect inaccurate or incomplete, or desire to bring any fact or document to the notice of the judge [or arbitrator], or intend to rely on any fact, or to deny (wholly or partially) your liability to pay compensation under the act, you must file with me an answer, stating your name and address and the name and address of your solicitor (if any), and stating that you disclaim any interest in the subject matter of the arbitration, or stating in what respect the applicant's particulars are inaccurate or incomplete, or stating concisely any fact or document which you desire to bring to the notice of the judge [or arbitrator], or on which you intend to rely, or the grounds on and extent to which you deny liability to pay compensation.

Such answer, together with a copy thereof for the judge [or arbitrator], and a copy for the applicant and for each of the other respondents, must be filed with me ten clear days at least before the _____ day of _____.

If no answer is filed, and subject to such answer, if any, the applicant's particulars and your liability to pay compensation will be taken to be admitted.

Dated this _____ day of _____.

To
Of

Registrar.

FORM 23

NOTICE BY RESPONDENTS TO THIRD PARTIES.

Rules 20, 25

[Not to be printed, but to be used as a precedent.]

[Heading as in Request for Arbitration.]

To Mr. _____, of _____ (address and description).

Take Notice—

That A.B., _____ of, &c., _____ has filed a request for arbitration (a copy whereof is hereto annexed) as to the amount of compensation payable by the respondents, C.D. & Co., Limited, _____ to the said A.B., _____ in respect of personal injury caused to the said A.B., _____ by accident arising out of and in the course of his employment.

WORKMEN'S COMPENSATION

[Or That E.F. of has filed a request for arbitration (a copy whereof is hereto annexed) with respect to the compensation payable to the dependants of A.B. deceased, in respect of the injury caused to the said dependants by the death of the said A.B. which resulted from injury caused to the said A.B. by accident arising out of and in the course of his employment.]

[or as the case may be ; see forms of request for arbitration.]

The respondents, C.D. & Co., Limited, claim to be indemnified by you against their liability to pay such compensation, on the ground that at the time of the injury in respect of which compensation is claimed the said A.B., was not immediately employed by the said C.D. & Co., Limited, but was employed by you in the execution of work undertaken by the said C.D. & Co., Limited, in respect of which the said C.D. & Co., Limited, had contracted with you for the execution thereof by or under you.

[Or on the ground that the injury for which compensation is claimed was caused under circumstances creating a legal liability on your part [and, if so, as the persons who have given security in respect of the liability of the owners of the ship "] to pay damages in respect thereof.]

[or as the case may be.]

[Or, in the case of industrial disease, The respondents, C.D. & Co., Limited, claim to be entitled to contribution from you in respect of the compensation claimed from them, on the ground that the disease mentioned in the applicant's particulars was of such a nature as to be contracted by a gradual process, and that the said A.B. was employed by you during the twelve months previous to the date of disablement or suspension in the employment to the nature of which the disease was due].

And take notice, that if you wish to dispute the applicant's claim as against the respondents, C.D. & Co., Limited, or your liability to the said respondents, you must appear before the judge [or arbitrator] at the time and place mentioned in the notice, a copy of which is hereunto annexed.

In default of your so appearing you will be deemed to admit the validity of any award made in the said arbitration as to any matter which the judge [or arbitrator] has jurisdiction to decide in such arbitration as between the applicant and the respondents, C.D. & Co., Limited. whether such award is made by consent or otherwise, and your own liability to indemnify the said C.D. & Co., Limited, [or to contribute as above-mentioned].

Dated this day of .

(Signed) C.D. & Co., Limited,
By
Secretary.

To
of

[Or,
Solicitors for the respondents,
C.D. & Co., Limited.]

Rules of Court (England)

FORM 24 (a)

AWARD

[NOTE.—These forms are intended for use in ordinary cases only. The award in any special case must be settled under Rule 30, in accordance with the directions given by the Judge or Arbitrator.]

(i) *In case of Application by Workman.*

[Heading as in Request for Arbitration.]

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

[Here insert any introductory recitals of findings on which the award is made which the judge or arbitrator may direct.]

1. I order that the respondents, C.D. & Co., Limited, do pay to the applicant, A.B. the weekly sum of as compensation for personal 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 respondents, such weekly 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 above-mentioned act.

2. And I order that the said C.D. & Co., do forthwith pay to the said A.B. the sum of £ being the amount of such weekly payments calculated from the day of until the day of (1) and do thereafter pay the said sum of to the said A.B. on Saturday (2) in every week.

3. And I order that the said C.D. & Co., do pay to the registrar of this court, for the use of the applicant, his costs of and incident to this arbitration, such costs, in default of agreement between the parties as to the amount thereof, to be taxed by the registrar under column of the scales of costs in use in the county courts and to be paid by the said C.D. & Co., to the registrar within 14 days from the date of the certificate of the result of such taxation.

(1) First Saturday or other usual pay day.
after date of award.
(2) Or other usual pay day.

Dated this day of

Judge [or Arbitrator.]

(ii) *In case of Application by Dependants.*

[Heading as in Request for Arbitration.]

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

[Here insert any introductory recitals of findings on which the award is made which the judge or arbitrator may direct.]

1. I order that the respondents, C.D. & Co., Limited, 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 respondents.

(a) FORM 24 as amended by S.R. & O. 1941 No. 1740.

WORKMEN'S COMPENSATION

(1) Name the other persons.

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 (1)

3. [Add, if so found.] And I declare that the respondent 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 (1) in the proportions following, that is to say :—

(2) Specify the persons entitled and the sums apportioned to them.

I apportion the sum of £ to or for the benefit of the said J.B., and the sum of £ to or for the benefit of the said (2)

5. And I order that the said C.D. & Co., Limited, do pay the said sum of £ to the registrar of this court within 14 days from the date of this award.

6. And I order that on payment to the registrar of the said sum of £, the registrar do (after deducting any prescribed fee) credit the said sum to a Deposit Account in accordance with the County Court Funds Rules 1934, as amended, for the benefit of the said J.B. and do forthwith pay to the said J.B. the sum of £ hereby apportioned to her [or the sum of £ out of the sum of £ hereby apportioned to her], and that out of the sum remaining in the said Deposit Account and the accruing interest thereof the registrar do from time to time until further order pay to the said J.B. the sum of £ every weeks [or calendar month], the first payment to be made on the 19] day of

7. And I order that on payment to the registrar of the said sum of £ the sums of £ and £ hereby apportioned to or for the benefit of the said and respectively, the registrar do (after deducting any prescribed fee) credit the said sums to a Deposit Account in accordance with the County Court Funds Rules 1934, as amended, for the benefit of the said and respectively, and that interest arising from such sums be from time to time until further order paid to the said J.B. to be by her applied for the maintenance, education, or benefit of the said and respectively.

8. And I order that the said J.B. and the said or any of them be at liberty to apply to the judge from time to time as they may be advised for any further or other order as to the application of any of the said sums and the accruing interest thereof.

9. And I order that the said C.D. & Co., Limited, do pay to the registrar of this court, for the use of the applicants, their costs of and incident to this arbitration, such costs, in default of agreement between the parties as to the amount thereof, to be taxed by the registrar under column of the scales of costs in use in the county courts, and to be paid by the said C.D. & Co., Limited, to the registrar within 14 days from the date of the certificate of the result of such taxation.

[Add directions (if any given) as to costs occasioned by claim of person claiming as a dependant whose claim is disallowed.]

Dated this day of

Judge [or Arbitrator.]

Rules of Court (England)

(iii) *In case of Application by Person to whom Expenses of Medical Attendance or Burial are due.*

[*Heading as in Request for Arbitration.*]

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

[*Leave space for any introductory recitals of findings on which the award is made which the judge or arbitrator may direct.*]

1. I order that the respondents, C.D. & Co., Limited, 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. & Co., Limited.

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 respondent, G.H. , in respect of charges amounting to £ due to him for the burial of the said A.B.

3. And I order that the respondents, C.D. & Co., Limited, do pay the said sum of £ to the registrar of this court within 14 days from the date of this award, and that the said sum of £ be apportioned between and paid to the said E.F. and G.H. in proportion to the amounts due to them respectively as aforesaid.

4. And I order that the said C.D. & Co., Limited, do pay to the registrar of this court for the use of the applicant, E.F., and the respondent, G.H., their respective costs of and incident to this arbitration, such costs, in default of agreement between the parties as to the amount thereof, to be taxed by the registrar under column of the scales of costs in use in the county courts, and to be paid by the said C.D. & Co., Limited, to the registrar within 14 days from the date of the certificate of the result of such taxations.

Dated this day of

Judge [or Arbitrator.]

[NOTE.—*The above forms will serve as guides for framing awards in other cases of arbitration.*]

FORM 24A (a)

INTERIM AWARD

[*Heading as in Application for Interim Award.*]

Upon the application of the above-named A.B. dated the day of , 193 , and upon hearing

Having duly considered the matters submitted to me I do hereby make my interim award as follows :—

(a) FORM 24A added by S.R. & O. 1930 No. 385.

WORKMEN'S COMPENSATION

I order that the respondent C.D. to pay to the applicant A.B. the sum hereinafter mentioned on account of compensation for personal injury caused to the said A.B. on the _____ day of _____, 193____, by accident arising out of and in the course of his employment as a workman employed by the said respondent—that is to say :—(a) forthwith the sum of £ _____, being the aggregate of a weekly sum of £ _____, calculated from the _____ day of _____, 193____, up to Saturday, the _____ day of _____, 193____, and (b) the sum of £ _____ on every Saturday commencing, on Saturday, the _____ day of _____, 19____, and continuing until the hearing of the above-named arbitration or further order.

And the applicant and the respondent are to be at liberty to apply as they may be advised—and this order is to be without prejudice to any order which the Judge may make on the hearing of the said arbitration, including an order for repayment by the said A.B. of the moneys hereby ordered to be paid or any part thereof.

And that the costs of this application be

FORM 24B (a)

Rule 30

*Award under Section 1 of the Workmen's Compensation Act, 1931.
[Heading as in Request for Arbitration.]*

In the Matter of the Workmen's Compensation Acts, 1925 to 1931.

Having duly considered the matter submitted to me I do hereby make my award as follows :—

Whereas on the _____ day of _____ 19____ personal injury was caused to the applicant A.B. by accident arising out of and in the course of his employment as a workman employed by the respondents C.D. & Co., Limited.

And whereas it appears to me that having regard to all the circumstances it is probable that the said A.B. would but for the continuing effects of the injury be able to obtain work in the same grade in the same class of employment as before the accident [*or*, that the failure of the said A.B. to obtain employment is a consequence wholly or mainly of the injury].

1. I order that the incapacity of the said A.B. if and so long as he remains unemployed shall be treated as total incapacity resulting from the injury for the period _____ 19____, to _____ 19____, subject to the condition [*or* conditions] that such order shall cease to be in force if the said A.B. receives unemployment benefit and to no other condition [*or*, and (*state other condition or conditions imposed*).]

2. And I order that the said C.D. & Co. do pay to the said A.B. the weekly sum of _____ as compensation for the personal injury aforesaid, such weekly payment to commence as from the _____ day of _____ and to continue during the said period if the said A.B. shall be so long unemployed, or until the same shall be ended, diminished, increased or redeemed in accordance with the provisions of the above-mentioned Acts, subject nevertheless to the condition [*or* conditions] set out in paragraph 1 of this award.

(a) FORM 24B added by S.R. & O. 1933 No. 75 and as amended by S.R. & O. 1936 No. 1309.

Rules of Court (England)

3. And I order that the said C.D. & Co. do forthwith pay to the said A.B. the sum of £ being the amount of such weekly payments calculated from the day of until the day of [first Saturday or other usual pay day after date of award] and do thereafter pay the said sum of to the said A.B. on Saturday [or other usual pay day] in every week.

4. And I declare that in the event of the said A.B. being actually employed but unable as a result of the injuries set out in the particulars filed herein to earn an amount equal to his average weekly earnings before the accident, the said A.B. shall be entitled to such compensation as may remain payable in accordance with the provisions of the Acts, the amount of such compensation to be ascertained failing agreement by arbitration under the Acts.

5. And I order that the said C.D. & Co. do pay to the registrar of this Court, for the use of the said A.B. his costs of and incidental to this arbitration, such costs, in default of agreement between the parties as to the amount thereof, to be taxed by the registrar under column of the scale of costs in use in the County Courts, and to be paid by the said C.D. & Co. to the registrar within 14 days from the date of the certificate of the result of such taxation.

Dated this day of

Judge [or Arbitrator.]

FORM 25

NOTICE OF DAY UPON WHICH SPECIAL CASE WILL BE HEARD.

Rule 34

In the County Court of , holden at

[Heading as in Special Case.]

Take notice that the judge of this court will hear the special case stated in the above-named matter, at a court to be holden at , on the day of at the hour of in the noon: and that if you do not attend in person or by your solicitor at the place and time above-mentioned, such order will be made and proceedings taken as the judge may think just.

You may obtain a copy of the case upon application at my office and upon prepayment of the costs of such copy.

Dated this day of

Registrar.

To [the applicant and respondents].

FORM 26

APPLICATION FOR ORDER FOR DETENTION OF SHIP.

Rule 39 (3)

[Not to be printed, but to be used as a Precedent.]

In the County Court of holden at
The Workmen's Compensation Act, 1925. Section 39.
The Ship " "

Application is hereby made on behalf of of who alleges that the owners of the ship " " which has been found the port [or river] of [or within three miles of the coast of England], are liable as such owners to pay compensation under the Workmen's Compensation Act, 1925, in respect of personal injury by accident arising out

WORKMEN'S COMPENSATION

of and in the course of his employment caused to of on the
day of in the port [*or* harbour] of and who claims
compensation in respect of such injury, and alleges that none of the
owners of the said ship reside in the United Kingdom, for an order
directed to an officer of customs or other officer named by the judge,
requiring him to detain the said ship until such time as the owners, agent,
master, or consignee thereof have paid such compensation, or have
given security, to be approved by the judge, to abide the event of any
proceedings that may be instituted to recover such compensation, and to
pay such compensation and costs as may be awarded thereon, or until the
said ship shall be otherwise released by due course of law.

The grounds on which this application is made are set forth in the
affidavit of filed herewith [*or* will be given in evidence on the
hearing of the application].

Dated this day of

(Signed)

(Name and address of Applicant or Applicant's Solicitor.)

FORM 27

Rule 39 (4)

UNDERTAKING AS TO DAMAGES.

[*Not to be printed, but to be used as a Precedent.*]

In the County Court of holden at
The Workmen's Compensation Act, 1925. Section 39.
The Ship " " "

I, the undersigned, of , hereby undertake to abide by
any order which may hereafter be made as to damages, in case any person
affected by the order to be made on my application for the detention of
the ship " " shall sustain any damages by reason of such order
which I ought to pay.

Dated this day of

(Signed)

(Signature and Address of Applicant.)

[*To be altered as required, if the undertaking is given by any person other
than the applicant.*]

FORM 28

Rule 39 (5)

ORDER FOR DETENTION OF SHIP.

In the County Court of holden at
The Workmen's Compensation Act, 1925.
The Ship " " "

Whereas it is alleged that the owners of the ship " " are liable
as such owners to pay compensation in respect of personal injury by
accident arising out of and in the course of his employment caused to
of in the port [*or* harbour] of :

And that the said ship has been found in the port [*or* river] of
[*or* within three miles of the coast of England] :

Rules of Court (England)

And whereas it has been shown to me, on the application of _____ of _____, who claims compensation in respect of such injury, that the owners of the said ship are probably liable as such to pay such compensation, and that none of the owners reside in the United Kingdom :

[And whereas the said _____ has filed an undertaking to abide by any order which may hereafter be made as to damages, in case any person affected by this order shall sustain any damages by reason of this order which the said _____ ought to pay :]

Now I do hereby issue this order directed to you, the Chief Officer of Customs at _____ [or other officer named by the judge], requiring you to detain the said ship until such time as the owners, agent, master, or consignee thereof have paid compensation in respect of the said injury, or have given security in the sum of £ _____, to be approved by the judge, to abide the event of any proceedings that may be instituted to recover such compensation and to pay such compensation and costs as may be awarded thereon, or until the said ship shall be otherwise released by due course of law.

Dated this _____ day of _____ Judge.
To the Chief Officer of Customs at _____
[or other officer named by the judge.]

FORM 29

BOND BY WAY OF SECURITY.

Rule 39 (7)

[Not to be printed, but to be used as a Precedent.]

In the County Court of _____ holden at _____
The Workmen's Compensation Act, 1925.
The Ship " _____ "

Whereas it is alleged that the owners of the ship " _____ " are liable as such owners to pay compensation in respect of personal injury by accident arising out of and in the course of his employment caused to _____ of _____ in the port [or harbour] of _____

And whereas the judge of this court has issued an order directed to the Chief Officer of Customs at _____ [or other officer named by the judge] requiring him to detain the said ship until such time as the owners, agent, master, or consignee thereof have paid compensation in respect of the said injury, or have given security in the sum of £ _____, to be approved by the judge, to abide the event of any proceedings that may be instituted to recover such compensation, and to pay such compensation and costs as may be awarded thereon, or until the said ship shall be otherwise released by due course of law.

Now, therefore, we [state names, addresses, and descriptions of sureties] jointly and severally submit ourselves to the jurisdiction of this court, or of any other competent court in England or Ireland in which any proceedings may be instituted in respect of the said injury, and consent that if the owners, agent, master, or consignee of the said ship shall not pay all such compensation and costs as may be awarded thereon execution may issue forthwith against us, our heirs, executors, and administrators, goods and chattels, for a sum not exceeding _____ pounds.

This bail bond was signed by the said _____ and _____, the sureties,
the _____ day of _____, 19 _____

[Signature of Sureties.]

Before me, _____ Registrar.

[or Clerk to the Registrar nominated to take affidavits.]

WORKMEN'S COMPENSATION

FORM 30

Rule 39 (8)

ORDER OF RELEASE.

In the County Court of holden at
The Workmen's Compensation Act, 1925.
The Ship " "

You are hereby authorised and directed to release the ship " "
now under detention by virtue of an order made on the day of
 , upon the payment of all costs, charges and expenses attending
the custody thereof.

Dated this day of

Judge.

To the Chief Officer of Customs at
[or other officer named in the order for detention.]

FORM 30A

Rule 39 (9)

SOLICITOR'S UNDERTAKING TO GIVE SECURITY.

[Not to be printed, but to be used as a Precedent.]

In the County Court of holden at
The Workmen's Compensation Act, 1925.
The Ship " "

Whereas it is alleged that the owners of the ship " " are liable
as such owners to pay compensation in respect of personal injury by
accident arising out of and in the course of his employment caused to
of in the port [or harbour] of :

Now, therefore, I, L. M. , of (address) , solicitor for
the owners [agent, master or consignee] of the said ship, hereby under-
take within days from the date hereof to put in or give security in
the sum of £ , to be approved by the judge, to abide the event of
any proceedings that may be instituted to recover such compensation,
and to pay such compensation and costs as may be awarded thereon.

Dated this day of

(Signed) L.M.

FORM 31

Rule 40

APPLICATION FOR ORDER FOR DETENTION OF SHIP BY EMPLOYER
CLAIMING INDEMNITY.

[Not to be printed, but to be used as a Precedent.]

In the County Court holden at
The Shipowners' Negligence (Remedies) Act, 1905.
The Workmen's Compensation Act, 1925.
The Ship " "

Application is hereby made on behalf of of , who
alleges :—

1. That on the day of personal injury by accident
arising out of and in the course of his employment was caused to
of in the port [or harbour] of : and

Rules of Court (England)

2. That the applicant, as the employer of the said _____, has paid compensation [or has had a claim for compensation made on him] in respect of such injury under the Workmen's Compensation Act, 1925 : and

3. That the applicant is [or will become] entitled to be indemnified under that Act by the owners of the ship " _____ " on the ground that the said injury was caused by the said ship [or sustained on in or about the said ship], in consequence of the wrongful act, neglect, or default of the owners of the said ship, or the master or officers or crew thereof, or of some other person in the employment of the owners of the said ship, or of some defect in the said ship or its apparel or equipment : and

4. That the said ship has been found in the port [or river] of [or within three miles of the coast of England] and

5. That none of the owners of the said ship reside in the United Kingdom :

for an order directed to an officer of Customs or other officer named by the judge, requiring him to detain the said ship until such time as the owners, agent, master, or consignee thereof have indemnified the applicant or paid compensation in respect of the said injury, or have given security, to be approved by the judge, to abide the event of any proceedings that may be instituted in respect of the said injury or to recover such indemnity, and to pay such compensation, indemnity, and costs as may be awarded thereon, or until the said ship shall be otherwise released by due course of law.

The grounds on which this application is made are set forth in the affidavit of _____ filed herewith [or will be given in evidence on the hearing of the application].

Dated this _____ day of _____

(Signed)

[Name and address of applicant or applicant's solicitor.]

FORM 32

ORDER FOR DETENTION OF SHIP ON APPLICATION OF EMPLOYER CLAIMING INDEMNITY. Rule

In the County Court of _____ holden at _____
The Shipowners' Negligence (Remedies) Act, 1905.
The Workmen's Compensation Act, 1925.
The Ship " _____ "

Whereas it is alleged by _____ of _____

1. That on the _____ day of _____ personal injury by accident arising out of and in the course of his employment was caused to _____ of _____ in the port [or harbour] of _____ : and

2. That the said _____ as the employer of the said _____ has paid compensation [or has had a claim for compensation made on him] in respect of such injury under the Workmen's Compensation Act, 1925 : and

3. That the said _____ is [or will become] entitled to be indemnified under that Act by the owners of the ship " _____ " on the ground that the said injury was caused by the said ship [or sustained on in or about the said ship], in consequence of the wrongful act, neglect, or default of the owners of the said ship, or the master or officers or crew thereof, or of some other person in the employment of the owners of the said ship, or of some defect in the said ship or its apparel or equipment : and

WORKMEN'S COMPENSATION

4. That the said ship has been found in the port [*or river*] of [*or within three miles of the coast of England*] :

And whereas it has been shown to me, on the application of the said that the applicant probably is [*or will become*] entitled to be indemnified under the said Act, and that none of the owners of the said ship reside in the United Kingdom :

[And whereas the said has filed an undertaking to abide by any order which may hereafter be made as to damages, in case any person affected by this order shall sustain any damages by reason of this order which the said ought to pay] :

Now I do hereby issue this order directed to you, the Chief Officer of Customs of [*or other officer named by the judge*], requiring you to detain the said ship until such time as the owners, agent, master, or consignee thereof have indemnified the said or paid compensation in respect of the said injury, or have given security in the sum of £ , to be approved by the judge, to abide the event of any proceedings that may be instituted in respect of the said injury, or to recover such indemnity, and to pay such compensation, indemnity, and costs as may be awarded thereon, or until the said ship shall be otherwise released by due course of law.

Dated this day of

Judge.

To the Chief Officer of Customs at
[*or other officer named by the judge*].

FORM 33

Rule 40

BAIL BOND BY WAY OF SECURITY WHERE ORDER OF DETENTION MADE ON APPLICATION OF EMPLOYER CLAIMING INDEMNITY.

[*Not to be printed, but to be used as a Precedent.*]

In the County Court of holden at
The Shipowners' Negligence (Remedies) Act, 1905.
The Workmen's Compensation Act, 1925.
The Ship " " "

Whereas it is alleged :—

1. That on the day of personal injury by accident arising out of and in the course of his employment was caused to of in the port [*or harbour*] of ; and

2. That of as the employer of the said paid compensation [*or has had a claim for compensation made on him*] in respect of the said injury under the Workmen's Compensation Act, 1925 ; and

3. That the said is [*or will become*] entitled to be indemnified under that Act by the owners of the ship " " , on the ground that the said injury was caused by the said ship [*or sustained on in or about the said ship*] in consequence of the wrongful act, neglect, or default of the owners of the said ship, or the master or officers or crew thereof, or of some other person in the employment of the owners of the said ship, or of some defect in the said ship or its apparel or equipment :

Rules of Court (England)

And whereas the judge of this court has issued an order directed to the Chief Officer of Customs at [or other officer named by the judge] requiring him to detain the said ship until such time as the owners, agent, master, or consignee thereof have indemnified the said or paid compensation in respect of the said injury, or have given security in the sum of £ , to be approved by the judge, to abide the event of any proceedings that may be instituted in respect of the said injury or to recover such indemnity, and to pay such compensation, indemnity, and costs as may be awarded thereon, or until the said ship shall be otherwise released by due course of law :

Now, therefore, we [state names, addresses, and description of sureties] jointly and severally submit ourselves to the jurisdiction of this court, or of any other competent court in England or Ireland in which any proceedings may be instituted in respect of the said injury, or to recover such indemnity, and consent that if the owners, agent, master, or consignee of the said ship shall not pay all such compensation, indemnity, and costs as may be awarded thereon execution may issue forthwith against us, our heirs, executors, and administrators, goods and chattels, for a sum not exceeding pounds.

[Signatures of Sureties.]

This bail bond was signed by the said
and
the sureties, the day of , 19 .
Before me,

Registrar.

[or Clerk to the Registrar nominated
to take affidavits.]

FORM 34

APPLICATION FOR APPOINTMENT OF NEW ARBITRATOR, SCHEDULE I, Rule 42
PARAGRAPH 8.

[Not to be printed, but to be used as a Precedent.]

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

A. B.

of (address)
(description)

Applicant,

and

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

Respondents.

Application is hereby made to the judge on behalf of the above-named to appoint a new arbitrator in the above-mentioned matter in the place of Mr. , the arbitrator appointed therein, by reason of the death [or refusal [or inability] to act] of the said Mr.

And the applicant hereby requests that a time and place may be fixed for the hearing of the application.

Dated this day of

(Signed)

Applicant.

[Or

Applicant's Solicitor.]

WORKMEN'S COMPENSATION

FORM 35

Rule 42

SUMMONS ON APPLICATION FOR APPOINTMENT OF NEW ARBITRATOR.

[Title as in Application.]

You are hereby summoned to attend before the judge in chambers at on the day of at the hour of in the noon, on the hearing of an application on the part of for the appointment by the judge of a new arbitrator in the above-mentioned matter in the place of Mr. , the arbitrator appointed therein, by reason of the death [or refusal [or inability] to act] of the said Mr. .

And take notice, that in default of your attendance at the time and place above-mentioned, the judge will, on proof of the service of this summons, proceed to hear and dispose of the said application.

Dated this day of To and to his [or their] Solicitor. Registrar.

FORM 36 (a)

Rule 43

FORM OF MEMORANDUM UNDER SECTION 23, 24 and 44.

(i) In case of Injury to Workman by Accident.

To the Registrar of the county court of holden at In the matter of the Workmen's Compensation Act, 1925, and In the matter of an arbitration between

Name. of Applicant, Address. of and Description. of Respondents.

Name. [Or, where the matter has been decided by agreement without arbitration, Address. In the matter of an agreement between Description. of and]

Name. of and Address. of Description. of]

Name. Be it remembered, that on the day of , 19 , personal Address. injury was caused at [state place of accident] to the above-named , Description. a workman under no legal disability, [or an infant of the age of years,] by accident arising out of and in the course of his employment.

And that on the day of , 19 , the following agreement was come to by and between the said and the said , that is to say :

[or And that on the day of , 19 , the following decision was given by a committee representative of the said and their workmen, having power to settle matters under the above-mentioned Act in the case of the said and their workmen, that is to say :]

[or And that on the day of , 19 , the following award was made and given by me, the undersigned , being an arbitrator agreed on by the said and the said , that is to say :

(a) Form 36 as amended by S.R. & O. 1940 No. 2120.

Rules of Court (England)

[Here set out copy of agreement, decision, or award. If the agreement is in redemption of a weekly payment which includes supplementary allowances under the Workmen's Compensation (Supplementary Allowances) Act, 1940 (whether the incapacity is permanent or not and whether the weekly payment has continued for six months or not), the sum agreed in respect of the supplementary allowances should be stated separately from the sum agreed in respect of the weekly payment payable under the principal Act.]

[If a medical referee has been appointed to report, add :—

A copy of the report of Mr. _____, a medical referee appointed to report in the above-mentioned matter, is hereunto annexed.

[Add, if so, The said Mr. _____ attended the arbitration on the day of _____, 19 ____.]

You are hereby requested to record this memorandum, pursuant to section 23 of the above-mentioned Act.

Dated this _____ day of _____, 19 ____.

To be signed in accordance with Rule 44, pars. 1, 2.

NOTE.—This form to be adapted to the circumstances of the case and the matter decided.

(ii) In case of Injury to Workman by Industrial Disease.

To the registrar of the _____ county court of _____ holden at _____

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

In the matter of an arbitration between _____

of _____	Applicant,	Name.
		Address.
of _____	Respondents.	Description.

[Or, where the matter has been decided by agreement without arbitration,	Name.
of _____	Address.
	Description.

In the matter of an agreement between _____	Name.
of _____	Address.
	Description.

Be it remembered,	Name.
	Address.
	Description.

That on the _____ day of _____, Mr. _____, the certifying surgeon appointed under the Factory and Workshop Act, 1901, for the district of _____ [or Mr. _____, one of the medical referees appointed by the Secretary of State for the purposes of the Workmen's Compensation Act, 1925,] certified that A. B. _____ of _____, a workman under no legal disability, [or an infant of the age of _____ years,] was suffering from _____, a disease coming within section 43 of the Workmen's Compensation Act, 1925, and was thereby disabled from earning full wages at the work at which he was employed.

[or That on the _____ day of _____, A. B. _____ of _____, a workman under no legal disability, [or an infant of the age of _____ years,] was in pursuance of special rules [or regulations] made under the Factory and Workshop Act, 1901, suspended from his usual employment on account of his having contracted _____, a disease coming within section 43 of the Workmen's Compensation Act, 1925 ;

And that the said A. B. _____ alleged that the above-mentioned disease was due to the nature of his employment in _____ [describe employment] and that he was last employed in such employment within the twelve months previous to the date of disablement or suspension by C. D. & Co., Limited, _____ of _____.]

WORKMEN'S COMPENSATION

And that on the _____ day of _____, 19____, the following agreement was come to by and between the said _____ and the said _____, that is to say :

[or And that on the _____ day of _____, 19____, the following decision was given by a committee representative of the said _____ and their workmen, having power to settle matters under the above mentioned Act in the case of the said _____ and their workmen, that is to say :]

[or And that on the _____ day of _____, 19____, the following award was made and given by me, the undersigned _____; being an arbitrator agreed on by the said _____ and the said _____, that is to say :]

[Here set out copy of agreement, decision, or award. If the agreement is in redemption of a weekly payment which includes supplementary allowances under the Workmen's Compensation (Supplementary Allowances) Act, 1940 (whether the incapacity is permanent or not and whether the weekly payment has continued for six months or not), the sum agreed in respect of the supplementary allowances should be stated separately from the sum agreed in respect of the weekly payment payable under the principal Act.]

[If a medical referee has been appointed to report, add :—

A copy of the report of Mr. _____, a medical referee appointed to report in the above-mentioned matter, is hereunto annexed.

[Add, if so, The said Mr. _____ attended the arbitration on the day of _____, 19____.]

You are hereby requested to record this memorandum, pursuant to section 23 of the above-mentioned Act.

Dated this _____ day of _____, 19____.

To be signed in accordance with Rule 44, pars. 1, 2.

NOTE.—This form to be adapted to the circumstances of the case and the matter decided.

(iii) Where Death resulted from the Injury.

To the registrar of the _____ county court of _____ holden at _____ In the matter of the Workmen's Compensation Act, 1925. and _____

In the matter of an arbitration between _____ Applicant.

Name. _____ and _____ Respondents.
Address. _____ of _____

Description. _____ [Or, where the matter has been decided by agreement without arbitration,

Name. _____ In the matter of an agreement between _____

Address. _____ and _____ of _____ .]

Description. _____ Be it remembered that on the _____ day of _____, 19____, personal Name. _____ injury was caused at [state place of accident] to _____ late of _____ Address. _____ deceased, by accident arising out of and in the course of his employment, Description. _____ and that on the _____ day of _____, 19____, the said _____ died as the result of such injury.

Rules of Court (England)

And that on the _____ day of _____, 19____, the following agreement was come to by and between _____ the dependants of the said _____ within the meaning of the above-mentioned Act, and the said that is to say :

[Or And that on the _____ day of _____, 19____, the following decision was given by a committee representative of the said _____ and their workmen, having power to settle matters under the above-mentioned Act in the case of the said _____ and their workmen, that is to say :]

[Or And that on the _____ day of _____, 19____, the following award was made and given by me, the undersigned _____ being an arbitrator agreed on by _____ the dependants of the said _____ within the meaning of the above-mentioned Act, and the said that is to say :]

[Here set out copy of agreement, decision, or award.]

[If a medical referee has been appointed to report, add :

A copy of the report of Mr. _____ a medical referee appointed to report in the above-mentioned matter is hereunto annexed.
 [Add, if so, the said Mr. _____ attended the arbitration on the day of _____, 19____.]

You are hereby requested to record this memorandum, pursuant to section 23 of the above-mentioned Act.

Dated this _____ day of _____, 19____.

To be signed in accordance with Rule 44, pars. 1, 2.

NOTE.—This form to be adapted to the circumstances of the case and the matter decided.

(iv) Where Death resulted from Industrial Disease.

To the registrar of the county court of _____ holden at _____
 In the matter of the Workmen's Compensation Act, 1925,
 and _____

In the matter of an arbitration between _____	Applicant,	Name.
of _____		Address.
and _____	Respondents.	Description.

[Or, where the matter has been decided by agreement without arbitration, In the matter of an agreement between _____		Name.
of _____		Address.
and _____		Description.

_____		Name.
of _____		Address.
and _____		Description.

Be it remembered, that on the _____ day of _____, Mr. _____ the certifying surgeon under the Factory and Workshop Act, 1901, for the district of _____ [or Mr. _____ one of the medical referees appointed by the Secretary of State for the purposes of the Workmen's Compensation Act, 1925.] certified that A. B. _____ of _____ was suffering from _____, a disease coming within section 43 of the Workmen's Compensation Act, 1925, and was thereby disabled from earning full wages at the work at which he was employed; and on the day of _____ the said A. B. _____ died, his death being caused by the said disease;

WORKMEN'S COMPENSATION

[Or, That on the day of A. B. of
was in pursuance of special rules [or regulations] made under the Factory
and Workshop Act, 1901, suspended from his usual employment on account
of his having contracted , a disease coming within section 43
of the Workmen's Compensation Act, 1925, and on the day of
the said A. B. died, his death being caused by the
said disease :]

[Or, That on the day of A. B. late of
died, his death being caused by , a disease coming
within section 43 of the Workmen's Compensation Act, 1925 ;

And that the dependants of the said A. B. alleged that the
above-mentioned disease was due to the nature of the employment of the
said A. B. in (describe employment), and that he
was last employed in such employment within the twelve months previous
to his disablement or suspension [or, if the workman died without having
obtained a certificate of disablement, or was not at the time of his death in
receipt of a weekly payment on account of disablement, within the twelve
months previous to his death] by C. D. & Co., Limited, of
].

And that on the day of , 19 , the following agree-
ment was come to by and between , the dependants of the
said , within the meaning of the above-mentioned Act, and the
said , that is to say :

[Or And that on the day of , 19 , the following
decision was given by a committee representative of the said
and their workmen, having power to settle matters under the above-
mentioned Act in the case of the said and their workmen, that
is to say :]

[Or And that on the day of , 19 , the following
award was made and given by me, the undersigned , being an
arbitrator agreed on by , the dependants of the said ,
within the meaning of the above-mentioned Act, and the said ,
that is to say :]

[Here set out copy of agreement, decision, or award.]

[If a medical referee has been appointed to report, add :—

A copy of the report of Mr. , a medical referee appointed to
report in the above-mentioned matter, is hereunto annexed.

[Add, if so, The said Mr. attended the arbitration on the
day of , 19 .]

You are hereby requested to record this memorandum, pursuant to
section 23 of the above-mentioned Act.

To be signed Dated this day of , 19 .
in accordance NOTE.—This form to be adapted to the circumstances of the case and the
with Rule 44, matter decided.
pars. 1, 2.

FORM 37

Rules 43 (3), 51 Information to be supplied where a Memorandum of Agreement as to any
matter referred to in paragraph (1) of Rule 51 is presented for regis-
tration.

A. In case of agreement with injured workman. (a)

[Heading as in Memorandum.]

(a) A. B. named in the memorandum of agreement presented
for registration in this matter was at the date of the accident [or dis-
ablement or suspension] years of age.

(a) FORM 37 as amended by S.R. & O. 1940 No. 2120 (shown in
amending S.R. & O. as Form 37A.)

Rules of Court (England)

(b) He was employed as _____, and his average weekly earnings computed in accordance with the above-mentioned Act were _____.

(c) He was injured by _____, and the nature of his injury was as follows :

(d) He was totally incapacitated for work for a period of _____, but recovered and was fit to resume his ordinary work on the _____ day of 19 _____ :

[or He was and is at present totally incapacitated for work, but is expected to recover and to be fit to resume his ordinary work in about _____ :]

[or He was totally incapacitated for work for a period of _____, and is now partially incapacitated, but such partial incapacity is not likely to be permanent, and he is expected to recover and to be fit to resume his ordinary work in about _____ :]

[or He was and is totally incapacitated for work, and such incapacity is likely to be permanent :]

[or He was totally incapacitated for work for a period of _____, and is still partially incapacitated, and such partial incapacity is likely to be permanent, but he is able to do light work, and it is estimated that he is able to earn an average weekly amount of _____ in some suitable employment or business :]

[or as the case may be].

(e) The said _____ received the following payments, allowances, or benefits from his employers previous to the date of the agreement, viz. :

[Here state payments made, and where a weekly payment has been made, the amount of such payment, and the period for which it was paid, and where such weekly payment includes an allowance or allowances under the Workmen's Compensation (Supplementary Allowances) Act, 1940, state separately the amount payable under the principal Act and the amount of each supplementary allowance.]

(f) The said _____ is [or is not] an insured person within the meaning of the National Health Insurance Act, 1924. Rule 51 (1)

[add, if he is an insured person :

Name of his Approved Society (and of Branch if any)
Address of Head Office of Society
His Membership Number therein

Or, if he is not a member of an Approved Society :

Name of the Insurance Committee for the area in which he resides
Address of Insurance Committee
His Membership Number in the Deposit Contributors Fund].

(g) The said _____ has the following children under the age of 15 years :

[In the case of a male workman here give the name and date of birth of every such child as defined by section 1 (5) of the Workmen's Compensation (Supplementary Allowances) Act, 1940.]

[State name and address.]

Dated this _____ day of _____, 19 _____.

To be signed
in accordance
with Rule 44,
par. 2.

B. Where death resulted from the injury or industrial disease.

[Heading as in Memorandum.]

(a) A. B. _____ named in the memorandum of agreement presented for registration in this matter, was at the date of the accident [or disablement or suspension or death] _____ years of age.

WORKMEN'S COMPENSATION

(b) He was employed as _____, and his earnings in the employment of _____ during the three years next preceding the injury in the said memorandum mentioned [or his average weekly earnings during the period of his employment under _____] were _____

(c) He left the following dependants wholly dependent upon his earnings, and the following dependants partially dependent, viz. :—

[Here state dependants, with their relationship to the deceased, their ages, and particulars showing how and to what extent they were dependent.]

[Or He left no dependants wholly dependent upon his earnings, but left the following dependants partially dependent, viz. :—

[Here state dependants, with their relationship to the deceased, their ages, and particulars showing how and to what extent they were dependent.]

To be signed _____ (d) The said _____ received the following payments, allowances, or benefits from his employers after the accident [or disablement or suspension], viz. :—
par. 2.

Dated this _____ day of _____ 19 _____

FORM 38 (a)

Notice of Memorandum having been received.

In the County Court of _____, holden at _____
[Heading as in Memorandum.]

Rule 45.

(1) Notice to workman

Take notice, that a memorandum, copy of which is hereto annexed, has been sent to me for registration.

Such memorandum appears to affect you.

I have therefore to request you to inform me within 10 days from this date whether you admit the genuineness of the memorandum, or whether you dispute its genuineness, and, if so, on what grounds.

If you do not inform me in due course that you dispute the genuineness of the memorandum, it may be recorded without further inquiry, and will be enforceable accordingly.

If you dispute its genuineness, it will not be recorded, except with your consent in writing, or by order of the Judge of this Court.

Dated the _____ day of _____ Registrar.

To

(2) Notice to employer

Take notice, that a memorandum, copy of which is hereto annexed, has been sent to me for registration.

Such memorandum appears to affect you.

I have therefore to request you to inform me within 10 days from this date whether you admit the genuineness of the memorandum, or whether you dispute its genuineness, and, if so, on what grounds, and/or whether you object to its being recorded.

If you do not inform me in due course that you dispute the genuineness of the memorandum and/or object to its being recorded, it may be recorded without further inquiry, and will be enforceable accordingly.

(a) FORM 38 as substituted by S.R. & O. 1934 No. 707.

Rules of Court (England)

If you dispute its genuineness or object to its being recorded, it will not be recorded, except with your consent in writing, or by order of the Judge of this Court.

Dated the _____ day of _____ Registrar.
To _____

FORM 38A

NOTICE TO APPROVED SOCIETY OR COMMITTEE OF MEMORANDUM HAVING BEEN RECEIVED. Rule 45

In the County Court of _____ holden at _____
[Heading as in Memorandum.]

Take notice that a memorandum, copy of which is hereto annexed, has been sent to me for registration.

Such memorandum may affect you as the Approved Society or Committee by which sickness or disablement benefit under the National Health Insurance Act, 1924, payable to the workman is administered.

I have therefore to request you to inform me within ten days from this date whether you object to its registration, and if so, on what grounds.

The workman's membership number is _____

Dated this _____ day of _____ Registrar.
To (*the approved society or committee interested*).

FORM 39

NOTICE DISPUTING GENUINENESS OF MEMORANDUM, OR NOTICE BY EMPLOYER OBJECTING TO MEMORANDUM BEING RECORDED. Rule 47

[Not to be printed, but to be used as a Precedent.]

In the County Court of _____ holden at _____
[Heading as in Memorandum.]

(1) *Notice disputing Genuineness of Memorandum.*

Take notice that _____ (*state name of party disputing*), a party [or parties] interested, disputes [or dispute] the genuineness of the memorandum sent to you for registration in the above-mentioned matter on the following grounds :—

[Here state grounds, as e.g.

- (a) That no such agreement has in fact been entered into : or
- (b) That the terms of the agreement are not correctly stated in the memorandum : or
- (c) That the agreement is no longer subsisting or enforceable : or
- (d) That the agreement is not enforceable by reason of its having been entered into under a mutual mistake [or having been obtained by fraud] [or undue influence [or improper means]].

Dated this _____ day of _____
[To be signed by the party disputing or his solicitor, or in case of employers by their duly authorised official, employee, or agent.]

To the Registrar.

WORKMEN'S COMPENSATION

(2) Notice by Employer objecting to Memorandum being recorded.

Take notice, that (state name of employer) objects [or object] to the memorandum sent to you for registration in the above-mentioned matter being recorded on the ground that the above-mentioned (workman) has in fact returned to work and is earning the same wages as he did before the accident.

Dated this day of

[To be signed by the employer or his solicitor, or duly authorised official, employee, or agent.]

To the Registrar.

FORM 40

Rule 48

NOTICE THAT GENUINENESS OF MEMORANDUM IS DISPUTED, OR OF OBJECTION BY EMPLOYER TO MEMORANDUM BEING RECORDED.

[Heading as in Memorandum.]

Take notice that of , a party [or parties] interested in the memorandum left with [or sent to] me for registration in the above-mentioned matter, has [or have] filed with me a notice, copy of which is sent herewith, that he disputes [or they dispute] the genuineness of the said memorandum on the grounds stated in the said notice.

[or Take notice, that of [the employer] has [or have] filed with me a notice, copy of which is sent herewith, that he objects [or they object] to the memorandum left with [or sent to] me for registration in the above-mentioned matter being recorded on the grounds stated in the said notice.]

The memorandum will therefore not be recorded, except with the consent in writing of the said , or by order of the judge of this Court.

Dated this day of

Registrar.

To (all parties interested).

FORM 41

Rule 50

NOTICE OF APPLICATION FOR REGISTRATION OF MEMORANDUM OR FOR RECTIFICATION OF REGISTER.

[Not to be printed, but to be used as a Precedent.]

In the County Court of holden at

[Heading as in Memorandum.]

Take notice that I intend to apply to the judge at on the day of at the hour of o'clock in the noon [in case of notice by solicitor, on behalf of of for an order for the registration of the memorandum sent to the registrar in the above-mentioned matter [or for an order for the rectification of the memorandum recorded in the above-mentioned matter] by [state particulars of rectification applied for], and for consequential directions, and for costs.

Dated this day of

Applicant.

[or Applicant's Solicitor.]

To the Registrar of the Court

and to

and to (all parties interested).

WORKMEN'S COMPENSATION

Take notice that I have required the attendance of [one of] the above-named parties to the agreement before me at on the day of at the hour of o'clock in the noon.

If you wish to appear before me on that occasion, you are entitled to do so in accordance with sub-section (6) of section 23 of the above-mentioned Act.

Dated this day of Registrar.
To *(the approved society or committee interested)*.

FORM 42

Rule 51 (5)

NOTICE TO PARTIES WHERE REGISTRAR REFERS THE QUESTION OF RECORDING A MEMORANDUM OF AN AGREEMENT TO THE JUDGE UNDER SECTION 25 (4).

In the County Court of , holden at

[Heading as in Memorandum.]

Take notice, that I have refused to record the memorandum sent to me in this matter for registration, and have referred the matter to the judge, pursuant to sub-section (4) of section 25 of the Act, it appearing to me that the said memorandum ought not be registered by reason of—

- (a) the inadequacy of the lump sum agreed to be paid in redemption of the weekly payment referred to in the memorandum ; *or*
- (b) the inadequacy of the weekly payment [*or* the lump sum] agreed to be paid as compensation to , in the memorandum mentioned, who is an insured person within the meaning of the National Health Insurance Act, 1924 ; *or*
- (c) the inadequacy of the amount of compensation agreed to be paid to , a person under legal disability ; *or*
- (d) the inadequacy of the amount of compensation agreed to be paid to and , dependants ; *or*
- (e) the agreement having been obtained by fraud [*or* undue influence *or* improper means].

AND FURTHER TAKE NOTICE, that by order of the judge you are hereby summoned to attend before the judge at a Court to be holden at on the day of at the hour of in the noon, when the matter will be inquired into by the judge ;

And that if you do not attend either in person or by your solicitor on the day and at the hour above mentioned such order will be made and proceedings taken as the judge may think just and expedient.

Dated this day of Registrar.
To *(all parties interested)*.

Rules of Court (England)

FORM 43

APPLICATION FOR REMOVAL OF RECORD OF MEMORANDUM OF AGREEMENT FROM REGISTER UNDER SECTION 25 (5) Rule 52 (1)

In the County Court of _____, holden at _____

[*Heading as in Memorandum.*]

Take notice that I intend to apply to the judge at _____ on the _____ day of _____ at the hour of _____ in the _____ noon, for an order for the removal from the register of the record of the memorandum of the agreement in the above-mentioned matter which was recorded on the _____ day of _____ pursuant to sub-section (5) of section 25 of the above-mentioned Act, on the ground that the said agreement was obtained by fraud [*or undue influence or improper means*], and for consequential directions, and for costs.

Dated this _____ day of _____

Applicant.

[*Or Applicant's Solicitor.*]

To the Registrar of the Court
(*all parties interested*).

FORM 44

NOTICE TO PARTIES WHERE JUDGE DIRECTS INQUIRY AS TO REMOVAL OF RECORD OF MEMORANDUM OF AGREEMENT FROM REGISTER UNDER SECTION 25 (5) Rule 52 (2)

In the County Court of _____, holden at _____

[*Heading as in Memorandum.*]

Whereas it has been made to appear to the judge that an inquiry should be held as to the removal from the register of the record of the memorandum of the agreement in the above-mentioned matter which was recorded on the _____ day of _____, pursuant to sub-section (5) of section 25 of the above-mentioned Act, on the ground that the said agreement was obtained by fraud [*or undue influence or improper means*];

Take notice, that you are hereby summoned to attend before the judge at a Court to be holden at _____ on the _____ day of _____ at the hour of _____ in the _____ noon, when the matter will be inquired into by the judge;

And that if you do not attend either in person or by your solicitor on the day and at the hour above mentioned such order will be made and proceedings taken as the judge may think just and expedient.

Dated this _____ day of _____

Registrar.

To (*all parties interested*).

WORKMEN'S COMPENSATION

FORM 45

Rule 54 (1)

FORM OF CERTIFICATE UNDER SECTION 29, SUB-SECTION 2

In the County Court of _____, holden at _____
No. of Plaintiff.

Between

A. B.
of (address)
(description) _____ Plaintiff,
and
C. D. & Co., Limited,
of (address)
(description) _____ Defendants.

And in the matter of the Workmen's Compensation Act, 1925.

I hereby certify that on the _____ day of _____ the above-named plaintiff commenced the above-named action against the above-named defendants claiming

[Here state claim of plaintiff in action.]

And that on the trial of the said action on the _____ day of _____ it was determined that the injury in respect of which the plaintiff claimed damages in the said action was one for which the defendants were not liable in the said action, but that such defendants would have been liable to pay compensation in respect of such injury under the above-mentioned Act;

And that thereupon the said action was dismissed, but the Court, on the request of the plaintiff, proceeded to assess the compensation which the defendants would have been liable to pay under the said Act.

And that the Court assessed such compensation at the sum of £ _____ and directed (state directions given as to payment of compensation, and directions, if any given, as to costs, and as to the deduction from the compensation of any costs which in the judgment of the Court were caused by the plaintiff bringing the action instead of proceeding under the Act.)

Dated this _____ day of _____
_____ Registrar.

FORM 46

Rule 55 (1)

APPLICATION FOR SUMMONS OF MEDICAL REFEREE AS ASSESSOR

[Not to be printed, but to be used as a Precedent.]

[Heading as in Request for Arbitration.]

The applicant [or respondent] applies to the judge to summon a medical referee to sit with him as an assessor, on the ground that questions are likely to arise in the arbitration as to the condition of the applicant or his fitness for employment [or as the case may be], and that it is desirable that the judge should have the assistance of a medical referee in the determination of such questions.

Dated this _____ day of _____

To the Registrar (Signed) A. B.
of the Court. Applicant.

Or
Solicitor for the Applicant.
[or as the case may be.]

I direct a medical referee to be summoned to sit with me as an assessor.
Judge.

Rules of Court (England)

FORM 48

SUMMONS TO MEDICAL REFEREE TO SIT AS ASSESSOR

Rule 55 (4)

[Title as in Request for Arbitration.]

The day of

SIR,

You are hereby summoned to attend and sit with the Judge as an assessor at the court-house situate at on the day of , at the hour of in the noon. I enclose for your use as assessor an extract from the particulars annexed to the application for the arbitration.

I am, sir,

Your obedient servant,
Registrar.

To

[The Medical Referee.]

N.B.—Annex copy extract from particulars as required by Rule 55 (1) and (4).

FORM 49

APPLICATION FOR REFERENCE TO MEDICAL REFEREE UNDER SECTION 19 (2)

Rule 57 (2)

[Not to be printed, but to be used as a Precedent. Where only one party is the applicant, it is to be used with the necessary modifications.]

In the County Court of holden at

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

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,

and

C. D. & Co., Limited ,

of (address)

(description)

Respondents.

[or, where application is made after weekly payment has been settled,

In the matter of an agreement [or a decision or an award or a certificate] recorded in the above-mentioned Court as to the weekly payment payable to A.B. , of , by C. D. & Co., Limited , 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 sub-section (2) of Section 19 the above-mentioned Act under the following circumstances:—

1. On the day of notice was given by [or on behalf of] the above-mentioned A. B. to the above-mentioned 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 said Act.

[or, where arbitration is pending,

WORKMEN'S COMPENSATION

1. An arbitration under the said act is pending between the above-mentioned A. B. and the above-mentioned C. D. & Co., Limited, as to the amount of compensation payable to the said A. B. under the said Act 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 an award or a certificate*] in the above-mentioned matter, recorded in this Court on the _____ day of _____ a weekly payment is payable to the above-mentioned A. B. by the above-mentioned 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 [*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.

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.

by _____ Secretary.

[*or*

Solicitors for C. D. & Co., Limited.]

To the Registrar.

Rules of Court (England)

FORM 50(a)

ORDER OF REFERENCE, SECTION 19

Rule 57 (3)

[Where only one party is the applicant it is to be used with the necessary modifications.]

In the County Court of holden at

[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 Secretary of State for the purposes of the Workmen's Compensation Act, 1925, to examine the said (*name of workman*), and to give his certificate as to the condition of the said and his fitness for employment, stating whether the said has wholly or partially recovered from the injury (*or* scheduled disease), and 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, stating whether the said has wholly or partially recovered from the injury (*or* scheduled disease), and 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 County Court Office situate at on or before the day of .

Dated this day of .

Registrar.

FORM 51

ORDER ON INJURED WORKMAN TO SUBMIT HIMSELF FOR EXAMINATION BY MEDICAL REFEREE

Rules 57 (4),
66 (7), 75 (8)

In the County Court of holden at

[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 Secretary of State for the purposes of the Workmen's Compensation Act, 1925, to examine you in accordance with the application in the above-mentioned matter for a reference to a medical referee.

You are hereby required to submit yourself for examination by the referee [*add, where workman is in a fit condition to travel, and to attend for that purpose at such time and place as may be fixed by him.*]

Dated this day of .

Registrar.

(a) FORM 50 as amended by S.R. & O. 1932 No. 910.

WORKMEN'S COMPENSATION

FORM 52

Rules 57 (8),
66 (9), 75 (9)

NOTICE TO PARTIES OF CERTIFICATE OF MEDICAL REFEREE
In the County Court of _____ holden at _____

[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 _____, and may on request and at your own cost be furnished with or take a copy thereof.

Dated this _____ day of _____
To _____
and _____ Registrar.

FORM 53

Rule 58 (5)

NOTICE OF APPLICATION FOR SUSPENSION OF RIGHT TO COMPENSATION OR TO TAKE OR PROSECUTE PROCEEDINGS IN RELATION TO COMPENSATION, OR OF RIGHT TO WEEKLY PAYMENTS, UNDER SECTIONS 17, 18 OR 19 AND RULE 58

[Not to be printed, but to be used as a Precedent.]

In the County Court of _____, holden at _____
In the matter of the Workmen's Compensation Act, 1925.
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,

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

[or, where application is made after weekly payment has been settled,

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

Take notice that I intend to apply to the judge at _____ on the _____ day of _____ at the hour of _____ in the _____ noon [on behalf of Messrs. C. D. & Co., Limited, of, &c., _____] for an order suspending your right to compensation in the above-mentioned matter and to take or prosecute any proceedings under the above-mentioned Act in relation to compensation [or suspending your right to weekly payments in the above-mentioned matter], on the ground that you refuse to submit yourself to medical examination as required by me [or by the said C. D. & Co., Limited], in accordance with section 17 [or section 18] of the Act [or that you obstruct the medical examination required by me [or by the said C. D. & Co., Limited] in accordance with section 17 [or section 18] of the Act], [or on the ground that you refuse to submit yourself for examination by a medical referee as ordered under section 19 of the Act, or that you obstruct the examination by a medical referee ordered under section 19 of the Act], and for consequential directions, and for costs.

Dated this _____ day of _____
(Signed) C. D. & Co., Limited,
by _____ Secretary.

To A. B., of _____
and to Messrs. _____
(his Solicitors). _____
Solicitors for C. D. & Co., Limited.]

WORKMEN'S COMPENSATION

Take notice,

1. That on the _____ day of _____ personal injury by accident arising out of and in the course of his employment was caused at (*state place of accident*) _____ to A. B. _____, late of _____ deceased, a workman employed by _____ [*or by _____, a contractor with _____ for the execution of work undertaken by them*], and on the _____ day of _____ the death of the said A. B. _____ resulted from the injury.

[*Or in case of industrial disease,*

Take notice,

1. That on the _____ day of _____ Mr. _____, the certifying surgeon under the Factory and Workshop Act, 1901, for the district of _____ [*or Mr. _____, one of the medical referees appointed by the Secretary of State for the purposes of the Workmen's Compensation Act, 1925,*] certified that A. B. _____, of _____, was suffering from a disease coming within section 43 of the Workmen's Compensation Act, 1925, and was thereby disabled from earning full wages at the work at which he was employed; and on the _____ day of _____ the said A. B. _____ died, his death being caused by the said disease.]

[*Or, That on the _____ day of _____ A. B. _____, of _____, was in pursuance of special rules [*or regulations*] made under the Factory and Workshop Act, 1901, suspended from his usual employment on account of his having contracted _____, a disease coming within section 43 of the Workmen's Compensation Act, 1925, and on the _____ day of _____ the said A. B. _____ died, his death being caused by the said disease.]*

[*Or, That on the _____ day of _____ A. B. _____, late _____, died, his death being caused by _____, a disease coming within section 43 of the Workmen's Compensation Act, 1925;*

And that the dependants of the said A. B. _____ allege that the above-mentioned disease was due to the nature of the employment of the said A. B. _____ in _____ (*describe employment*), and that he was last employed in such employment within the twelve months previous to his disablement or suspension [*or if the workman died without having obtained a certificate of disablement, or was not at the time of his death in receipt of a weekly payment on account of disablement,* within the twelve months previous to his death] by C. D. & Co., Limited, _____ of _____.]

2. There is no dispute as to the liability of the said _____ to pay compensation under the above-mentioned Act to the dependants of the said A. B. _____ in respect of the injury caused to them by the death of the said A. B. _____, but the amount payable as compensation has not been ascertained or decided either by a committee or by arbitration or by agreement.

3. The said _____ of _____ [*or Messrs. _____, solicitors for the said _____ of _____*] do therefore pay into court [*when paid by solicitors, add at the request of the said _____*] the sum of _____ (*state sum in letters*), being the amount admitted by the said _____ to be payable by them as compensation in the above-mentioned matter.

4. (a) The said A. B. _____ was at the date of the accident [*or disablement or suspension or death*] _____ years of age.

(b) He was employed as _____, and his earnings in the employment of the said _____ during the three years next preceding the injury [*or disablement or suspension or death*] [*or his average weekly earnings during the period of this employment under the said _____*] were _____

Rules of Court (England)

5. To the best of the knowledge and belief of the said _____ the persons interested in the said sum as dependants of the said A. B. _____ are
[State dependants, with their ages and relationship to deceased workman, and places of residence, as far as known.]

6. The amount admitted by the said _____ to be payable as compensation has been arrived at as follows, viz. :—

[Particulars under this paragraph need be given only in cases in which there are dependants wholly dependant upon the deceased workman.]

Dated this _____ day of _____

(Signed)
[or _____]

Solicitors for _____.]

To the Registrar.

Received the above-mentioned sum of _____, subject to inquiry as to adequacy.

Registrar.
[Date.]

FORM 56

PRÆCIPUE FOR PAYMENT INTO COURT UNDER SECTION 26, AND RULE 62, Rule 62 (2)
WHERE LIABILITY TO PAY COMPENSATION IS DENIED, BUT THE EMPLOYER IS WILLING TO PAY A SUM IN SETTLEMENT

In the County Court of _____, holden at _____

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

In the matter of a claim for compensation made by the dependants of A. B. _____, late of _____, deceased, against C. D. _____, of _____

Take notice,

1. That a claim has been made under the above-mentioned Act by [or on behalf of] the dependants of A. B. _____, late of _____, deceased, against C. D. _____, of _____, for compensation in respect of the injury caused to such dependants by the death of the said A. B. _____, who died on the _____ day of _____, 19 _____.

2. The said dependants allege that the death of the said A. B. _____ resulted from personal injury by accident arising out of and in the course of his employment caused to the said A. B. _____ on the _____ day of _____ at _____ (state place of accident) while he was employed as a workman by the said C. D. _____ [or by E. F. _____, a contractor with the said C. D. _____, for the execution of work undertaken by them].

[Or, in case of industrial disease,

2. The said dependants allege that the death of the said A. B. _____ was caused by _____, a disease coming within Section 43 of the Workmen's Compensation Act, 1925, and that the above-mentioned disease was due to the nature of the employment of the said A. B. _____ in _____ (describe employment), and that he was last employed in such employment within the twelve months previous to his disablement [or suspension from his usual employment], or if the workman died without having obtained a certificate of disablement, or was not at the time of his death in receipt of a weekly payment on account of disablement, within the twelve months previous to his death] by the said C. D. _____.]

WORKMEN'S COMPENSATION

3. The said C. D. deny their liability to pay compensation under the above-mentioned Act to the dependants of the said A. B. , but to avoid litigation are willing to pay the sum of £ in full settlement of all claims to such compensation, and such of the dependants of the said A. B. as are not under disability are willing to accept such sum in settlement.

4. The said C. D. , of [or Messrs. , solicitors for the said C. D. , of], do therefore pay into court [when paid in by solicitors add at the request of the said C. D.] the sum of [state sum in letters] being the amount which they are willing to pay in full settlement of all claims to compensation in the above-mentioned matter.

5.—(a) The said A. B. was at the date of the accident [or disablement or suspension or death] years of age.

(b) He was employed as , and his earnings in the employment of the said C. D. during the three years next preceding the injury [or disablement or suspension or death] [or his average weekly earnings during the period of his employment under the said C. D.] were

(c) To the best of the knowledge and belief of the said C. D. , the persons interested as dependants of the said A. B. are [state dependants, with their ages and relationship to deceased, so far as known.]

6. The grounds on which the said C. D. deny their liability to pay compensation are as follows, viz. :—

Dated this day of , 19 .
(Signed)
[or
Solicitors for .]

To the Registrar,
County Court.
Received the above-mentioned sum of , subject to inquiry
as to adequacy. Registrar.
[Date.]

FORM 57

Rules 61 (7),
62 (3) NOTICE TO PARTIES WHERE REGISTRAR REFERS THE QUESTION OF ADEQUACY OF AMOUNT PAID INTO COURT UNDER RULE 61 OR RULE 62 TO THE JUDGE

In the County Court of holden at
[Heading as in Præcipe for Payment into Court.]

Take notice, that I have referred the question of the adequacy of the amount paid into court in this matter to the judge.

And further take notice, that by order of the judge you are hereby summoned to attend before the judge at a court to be holden at on the day of at the hour of in the noon, when the matter will be inquired into by the judge ;

And that if you do not attend either in person or by your solicitor on the day and at the hour above mentioned such order will be made and proceedings taken as the judge may think just and expedient.

Dated this day of Registrar.

To [the employer and the persons appearing by the præcipe to be interested in the amount paid in].

Rules of Court (England)

FORM 58

NOTICE BY REGISTRAR OF PAYMENT INTO COURT UNDER SECTION 26 Rule 60 (5)

(i)

(i) *Where amount payable has been ascertained or decided, and payment into Court is made under Rule 60.*

In the County Court of holden at
[Heading as in *Præcipe for Payment into Court.*]

Take notice, that the sum of has been paid into court as compensation in the above-mentioned matter.

Any person interested in the said sum may apply to the court for an order for the investment and application of the said sum for the benefit of the persons entitled thereto in accordance with section 26 of the Workmen's Compensation Act, 1925, and the rules of court made under the said Act.

Dated this day of Registrar.
To

(ii)

(ii) *Where amount payable has not been ascertained or decided, and payment into Court is made under Rule 61 or Rule 62.* Rules 61 (4), 62 (3)

In the County Court of holden at
[Heading as in *Præcipe for Payment into Court.*]

Take notice, that the sum of £ has been paid into court as compensation in the above-mentioned matter.

If any question arises as to the adequacy of the amount paid into court, such question, and all questions as to who are dependants, and the amount payable to each dependant, must be settled by arbitration in accordance with the above-mentioned Act and the Rules of Court made under the said Act.

If no question arises as to the adequacy of the amount paid into court, any person interested in the said sum may apply to the court for an order for the investment and application of the said sum for the benefit of the persons entitled thereto in accordance with section 26 of the Workmen's Compensation Act, 1925, and the Rules of Court made under the said Act.

Dated this day of Registrar.
To

FORM 59

APPLICATION FOR INVESTMENT OR APPLICATION OF MONEY PAID INTO COURT UNDER SECTION 26 AND RULES 60, 61, 62 Rules 60 (10a), 61 (8), 62 (3)

[Not to be printed, but to be used as a Precedent.]

(1) *Application for Investment and Application of the Sum paid into Court.*

In the County Court of holden at
[Heading as in *Præcipe for Payment into Court.*]

Take notice, that I [name and address of applicant] intend to apply to the judge at , on the day of , at the hour of in the noon, on behalf of myself and of [specify the persons on whose behalf the application is made], as dependants of the above-named A. B. for an order for the investment and application of the sum paid into court in the above-mentioned matter, and for the allotment of the same between the dependants of the said A. B.

WORKMEN'S COMPENSATION

To the best of my knowledge and belief the persons interested in the said sum as dependants of the said A. B. are

[State dependants, with their ages and relationship to deceased workman, and places of residence.]

I intend to apply for an order for the investment and application of the said sum, and for the allotment of the same between the dependants of the said A. B. as follows, viz. :—

[State how applicant wishes the sum to be dealt with.]

or in such other manner as the court in its discretion thinks fit for the benefit of the persons entitled thereto under the above-mentioned Act, and for consequential directions.

Dated this day of (Signed)

To the Registrar and (to any other parties interested, where the application is made on behalf of some only of the parties interested).

(2) Application for Investment and Application of the Amount allotted to any Person.

In the County Court holden at [Heading as in Præcipe for Payment into Court.]

Take notice, that I [name and address of applicant] intend to apply to the judge at on the day of at the hour of in the noon, on behalf of myself [or of for an order for the investment and application of the sum paid into court in the above-mentioned matter and allotted to me [or to the said]].

I intend to apply for an order for the investment and application of the said sum as follows, viz. :—

[State how applicant wishes the sum to be dealt with.]

or in such other manner as the court in its discretion thinks fit for my benefit [or for the benefit of the said], and for consequential directions.

Dated this day of (Signed)

To the Registrar.

FORM 60

Rule 63

APPLICATION FOR ORDER FOR PAYMENT INTO COURT OF WEEKLY PAYMENT PAYABLE TO PERSON UNDER DISABILITY. SECTION 26 (2) AND RULE 63

[Not to be printed, but to be used as a Precedent.]

In the County Court holden at [Heading as in Award, Memorandum, or Certificate.]

Take notice, that I [name and address of applicant] intend to apply to the judge at on the day of at the hour of in the noon, for an order that the weekly payment payable in the above-mentioned matter to a person under legal disability [or to me] be during his [or my] disability paid into court; and for consequential directions.

Dated this day of (Signed)

To the Registrar and (to the parties interested).

Rules of Court (England)

FORM 61

APPLICATION FOR VARIATION OF ORDER UNDER SECTION 22 AND RULE 64 Rule 64

[Not to be printed, but to be used as a Precedent.]

[Heading as in Award, Memorandum, or Certificate.]

Take notice, that I [name and address of applicant] intend to apply to the judge at on the day of , at the hour of in the noon, for an order that the order of the court [or the award] made in the above-mentioned matter on the day of as to the apportionment of the sum paid as compensation among the dependants of A. B. deceased [or as to the manner in which the sum payable to a dependant of A. B. deceased, should be invested, applied or otherwise dealt with] may be varied by directing [here state variation claimed by applicant] and for consequential directions.

And further take notice that the circumstances in which this application is made are

(State particulars.)

Dated this day of

(Signed)

Applicant.

[Or

Applicant's Solicitor.]

To the Registrar,
and to (all persons
interested.)

FORM 62

APPLICATION BY WORKMAN INTENDING TO CEASE TO RESIDE IN THE UNITED KINGDOM FOR REFERENCE TO MEDICAL REFEREE UNDER SECTION 16 Rule 66 (2)

[Not to be printed, but to be used as a Precedent.]

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

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

Take notice, that A. B. of , to whom under an agreement [or a decision or an award or a certificate] in the above-mentioned matter recorded in this Court on the day of a weekly payment of is payable by the above-mentioned C. D. & Co., Limited, as compensation for personal injury caused to the said A. B. by accident arising out of and in the course of his employment, intends to cease to reside in the United Kingdom;

And that the said A. B. intends to apply to the registrar at , on the day of , at the hour of noon, for an order referring to a medical referee the question whether the incapacity of the said A. B. resulting from the injury is likely to be of a permanent nature.

WORKMEN'S COMPENSATION

A report of a medical practitioner, setting out the nature of the incapacity of the said A. B. resulting from the injury, is hereto annexed.

Dated this day of .

(Signed)

Applicant.

[Or

Applicant's Solicitor.]

To the Registrar of the Court
and to (*the employer*).

FORM 63

Rule 66 (6)

ORDER OF REFERENCE, SECTION 16

In the County Court of holden at .

On the application of , 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 Workmen's Compensation Act, 1925, to examine the said (*name of workman*) , and to give his certificate as to whether the incapacity of the said (*name of workman*) resulting from the injury is likely to be of a permanent nature.

A copy [*or copies*] of the report [*or reports*] of the medical practitioner [*or practitioners*] by whom the said has been examined is [*or are*] hereto annexed, [*Add, if so, Copies of the statements submitted to me by the parties are also 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 County Court Office situate at on or before the day of , specifying therein the nature of the incapacity of the said , resulting from the injury, and whether such incapacity is likely to be of a permanent nature.

Dated this day of .

Judge [*or Registrar*].

Rules of Court (England)

FORM 64

[To be printed on thick blue foolscap.]

CERTIFICATE OF IDENTITY

[To be carefully preserved.]

Rules 66 (10c)
75 (11)

NOTICE.—*This Certificate is no security whatever for a Debt.*

No. of Certificate

In the County Court of holden at

[Heading as in Award, Memorandum, or Certificate.]

This is to certify that A. B. , late of [address and description] is entitled to a weekly payment of from [name and address of employer]

as compensation payable to the said A. B. in respect of personal injury caused to him by accident arising out of and in the course of his employment, such weekly payment to continue during the total or partial incapacity of the said A. B. for work :

And that the description of the said A. B. and his incapacity for work, as certified by the medical referee appointed in this matter, are as follows :—

Age,
Height,
Hair, Eyes,
Nature of incapacity,

[Describe nature of incapacity, as in certificate of medical referee.]

Dated this day of

Registrar.

FORM 65

NOTICE TO BE GIVEN TO WORKMAN INTENDING TO CEASE TO RESIDE IN THE UNITED KINGDOM Rule 66 (10)

[Heading as in Award, Memorandum, or Certificate.]

Take notice, that if you desire to obtain payment of the weekly payments payable to you under the award [memorandum or certificate] hereto annexed while you are residing out of the United Kingdom, you must, at intervals of three months from the date up to which such payments have been made, submit yourself to examination by a medical practitioner in the place where you are residing, and produce to him the copy of the certificate of the medical referee and the certificate of identity hereto annexed ; and you must obtain from such medical practitioner a certificate in the form hereto annexed that he has examined you, and that your incapacity resulting from the injury specified in the certificate of the medical referee continues : and such certificate must be verified by the medical practitioner by declaration in your presence before some such person as hereinafter mentioned.

You must also attend before some such person as hereinafter mentioned, and make a declaration in the form hereto annexed that you are the same person as mentioned in the copy of the certificate of the medical referee and in the certificate of identity hereto annexed, and in the certificate of the medical practitioner by whom you have been examined, producing to such person the copy and certificates above-mentioned.

WORKMEN'S COMPENSATION

You must then transmit to me, at my office, situate at the certificate of the medical practitioner by whom you have been examined, and your declaration, together with a request for transmission to you of the amount of the weekly payments due to you, specifying the place where and the manner in which the amount is to be transmitted, according to the form hereto annexed, which request must be signed in your own handwriting.

In the event of your death while residing out of the United Kingdom, your representatives must, in order to obtain payment of the arrears due to you, transmit to me at my office, situate at , a certificate of your death, and documents showing that they are entitled to such arrears, verified by declaration before a person having authority to administer an oath, with a request for transmission to them of the amount of such arrears, specifying the place where and the manner in which such amount is to be transmitted to them.

The expression " your representatives " means—

- (a) if you leave a will, the executors of such will ; or
(b) if you die intestate, the persons who are according to law entitled to your personal estate ; and payment of the arrears may be made to such persons without the production of letters of administration.

The persons before whom a certificate may be verified or a declaration made are :—

- 1. Any person having authority to administer an oath in the place in which you reside.
2. Any British ambassador, envoy, minister, chargé-d'affaires, or secretary of embassy or legation, exercising his functions in any foreign place in which you reside, or any British consul-general, consul, vice-consul, acting-consul, pro-consul, or consular agent exercising his functions in any foreign place in which you reside.

Dated this day of Registrar.

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

FORM 66

Rule 66 (10, 11)

FORM OF MEDICAL CERTIFICATE TO BE OBTAINED BY WORKMAN RESIDING OUT OF THE UNITED KINGDOM

[Heading as in Award, Memorandum, or Certificate.]

I (name, address, and medical qualification of medical practitioner) hereby certify that I have this day examined A. B. of whom I conscientiously believe to be the same person as A. B. of , described in the copy certificate of the medical referee in the above-mentioned matter, dated the day of , and in the certificate of identity dated the day of produced to me by the said A. B. ; and that in my opinion the incapacity of the said A. B. resulting from the injury described in the said certificate of the medical referee still continues.

Dated this day of (Signature)

Declared at this day of , in the presence of the said A. B. , the copy of the certificate of the medical referee and the certificate of identity above-mentioned being at the same time produced.

Before me—

[Signature and description of person before whom the declaration is made.]

Rules of Court (England)

FORM 67

DECLARATION OF IDENTITY OF WORKMAN RESIDING OUT OF THE UNITED KINGDOM Rule 66 (10, 12)

[*Heading as in Award, Memorandum, or Certificate.*]

I, A. B. of hereby declare that I am the same person as A. B. of described in the copy of the certificate of the medical referee in the above-mentioned matter, dated the day of , now produced by me, and in the certificate of identity, dated the day of , now produced by me, and the same person as A. B. of described in the certificate of declared by the said in my presence on the day of , and now produced by me.

(Signed)

A.B.

Declared at this day of , the certificates above-mentioned being at the same time produced,

Before me—

[*Signature and description of person before whom the declaration is made.*]

FORM 68

REQUEST FOR TRANSMISSION OF AMOUNT OF WEEKLY PAYMENTS BY WORKMAN RESIDING OUT OF UNITED KINGDOM Rule 66 (13)

[*Heading as in Award, Memorandum, or Certificate.*]

SIR,—

I herewith enclose medical certificate and affidavit of identity and request that the amount of the weekly payments due to me in the above-mentioned matter may be transmitted to me at

(*give full address*)

(*state how transmission to be made, as*)—

by Post Office Order payable at
(*name of Post Office*)

or by bankers draft on the
(*name and address of Bank*).

I am, Sir,

Your obedient Servant,

A.B.

[*To be signed by the workman in his own handwriting.*]

To the Registrar
of the County Court of
holden at

[*add address of Registrar's Office.*]

WORKMEN'S COMPENSATION

FORM 69

Rules 66 (15), 75 (15) NOTICE BY REGISTRAR TO EMPLOYER OF RECEIPT OF MEDICAL CERTIFICATE AND DECLARATION OF IDENTITY

[Heading as in Award, Memorandum, or Certificate.]

Take Notice, that I have received proof of identity and of continuance of incapacity in the above-mentioned matter.

And I have to request you to transmit the sum of , being the amount of the weekly payments payable to A. B. under the above-mentioned award [memorandum or certificate] from (the date to which they were last paid) to (13 weeks from that date) to me, to be by me remitted to the said A. B.

Dated this day of Registrar. To (name and address of employer).

FORM 70

Rules 73, 74 CERTIFICATE OF REGISTRAR WHERE LUMP SUM PAYABLE IN REDEMPTION OF WEEKLY PAYMENTS TO FRENCH CITIZEN OR SUM PAYABLE TO DEPENDANTS OF FRENCH CITIZEN IS TO BE TRANSMITTED TO FRANCE. RULES 73, 74

In the matter of the Workmen's Compensation Act, 1925, and the Anglo-French Convention, 1909.

No. of Matter

In the matter of an arbitration between A. B. of Applicant, and C. D., of Respondents.

I hereby certify—

1. That on the day of an award was made by the Judge of this Court in the above-mentioned matter, whereby the above-mentioned C. D. were ordered to pay the above-mentioned A. B. a French citizen, the weekly sum of as compensation for personal 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 C. D.

2. And that on the day of a further award was made by the Judge of this Court in the above-mentioned matter whereby the above-mentioned C. D. were ordered to pay to the said A. B. the lump sum of £ in redemption of the said weekly payment :

3. And that the said A. B. has signified to me his intention of returning to reside in France.

[Or, in case of deceased workman,

I hereby certify—

1. That on the day of an award was made by the Judge of this Court in the above-mentioned matter, whereby the above-mentioned C. D. were ordered to pay to [here insert names of dependants, as appearing in the award],

A. B. , late of , deceased, a French citizen, the sum of £ 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 the 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 C. D.

Rules of Court (England)

2. And that the dependants of the said A. B. have signified to me their intention of returning to reside in France [or resided in France at the time of the death of the said A. B.].

I do therefore, pursuant to the Workmen's Compensation Act, 1925, the Anglo-French Convention, 1909, and the Order in Council made in that behalf, herewith pay over to the Caisse Nationale des Retraites pour la Vieillesse the sum of £ sterling, being the total sum due to the said A. B.

[or to the dependants of the said A. B.] under the said award, to be applied in accordance with the said Convention.

Dated this day of

Registrar.

To the Controller,

Caisse Nationale Francaise des Retraites pour la Vieillesse
Paris, France.

FORM 71

APPLICATION BY WORKMAN IN RECEIPT OF WEEKLY PAYMENT, WHO IS A FRENCH CITIZEN AND INTENDS TO RETURN TO RESIDE IN FRANCE, FOR REFERENCE TO MEDICAL REFEREE UNDER RULE 75 (4) Rule 75 (4)

In the County Court of holden at

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

and

In the matter of an award recorded in the above-mentioned Court as to the weekly payment payable to A. B., of C. D. & Co., Limited, of

Take notice, that A. B., of , a French citizen, to whom under an award in the above-mentioned matter recorded in this Court on the day of a weekly payment of is payable by the above-mentioned C. D. & Co., Limited, as compensation for personal injury caused to the said A. B. by accident arising out of and in the course of his employment, intends to return to reside in France ;

And that the said A. B. intends to apply to the registrar at on the day of , at the hour of in the noon, for a certificate of a medical referee as to the nature of the incapacity of the said A. B. resulting from the injury.

Dated this day of

(Signed)

Applicant.

[Or,

Applicant's Solicitor.]

To the Registrar of the Court
and to [the employer].

Rules of Court (England)

FORM 74

ORDER AS TO INTERVALS AT WHICH CERTIFICATES OF CONTINUANCE OF INCAPACITY ARE TO BE FURNISHED BY FRENCH CITIZEN RESIDING IN FRANCE. RULE 75 (10) Rule 75 (10)

[Heading as in Form 71.]

On the application of _____ I order that certificates of the continuance of the incapacity specified in the certificate of the medical referee given in this matter are to be furnished by the said _____, who intends to return to reside in France, at intervals of _____ months, the first of such certificates to be furnished on the _____ day of _____

Dated this _____ day of _____ 19 _____ Registrar.

To [the applicant and the employer].

FORM 75

NOTICE TO BE GIVEN TO WORKMAN WHO IS A FRENCH CITIZEN AND INTENDS TO RETURN TO RESIDE IN FRANCE. RULE 75 (11) Rule 75 (11)

[Heading as in Award.]

Take notice, that if you desire to have the weekly payments payable to you under the award hereto annexed remitted to you while you are residing in France, you must at intervals of three months from the date up to which such payments have been made produce to the Mayor of the Commune in which you reside the certificate of identity hereto annexed, and obtain from him a certificate that you were alive on the day when the certificate of identity was produced. You must also at intervals of* _____ months from the date up to which such payments have been made obtain from a medical practitioner employed in an official capacity in the Department in which you reside a certificate that he has examined you and that your incapacity resulting from the injury, as specified in the certificate of the medical referee hereto annexed, still continues.

* As fixed by the Registrar

You must then forward the certificate of the Mayor, and, where a certificate of a medical practitioner is required, such certificate (which certificate or certificates must be authenticated by a *visé* of the Prefecture of the Department attesting the official status of the Mayor and medical practitioner respectively), with a request for payment of the weekly payments due to you, to the French consular authority for the district in which the Court is situated, to be by him transmitted to me.

In the event of your death while in the receipt of weekly payments, your representatives must, in order to obtain payment of the arrears due to you, forward a certificate of your death and documents showing that they are entitled to such arrears, with a request for payment of such arrears, to the consular authority, to be by him transmitted to me.

Dated this _____ day of _____ Registrar.

To A. B.
[Address and description.]

WORKMEN'S COMPENSATION

FORM 76

Rule 80 (5) NOTICE OF APPLICATION FOR DETERMINATION OF AMOUNT OF COSTS UNDER SCHEDULE I., PARAGRAPH 10 AND RULE 80

[Not to be printed, but to be used as a Precedent.]

In the County Court of _____ holden at _____
[Heading as in Award or Memorandum.]

Take notice, that I intend to apply to the judge at _____ on the _____ day of _____ at the hour of _____ in the _____ noon, to determine the amount of costs to be paid to me as solicitor [or agent] for you A. B. _____ in the above-mentioned matter; and for an order declaring that I am entitled to a lien for such amount on or to deduct such amount from the sum awarded as compensation to you the said A.B. in the above-mentioned matter, _____ and for consequential directions.

Dated this _____ day of _____ Applicant.
To the Registrar of the Court, _____ and to A. B.
of _____

FORM 77(a)

Rule 82 EXECUTION ON AWARD OR MEMORANDUM OR CERTIFICATE

In the County Court of _____, holden at _____
[Heading as in Award, Memorandum, or Certificate.]

Whereas on the _____ day of _____ an award was made in the above-mentioned matter by the judge [or by Mr. _____, an arbitrator appointed by the judge] whereby it was ordered [state operative parts of award]

[or Whereas on the _____ day of _____ a memorandum was recorded in this Court of an agreement [or a decision or an award] come to [or given or made] in the above-mentioned matter, whereby it was agreed [or ordered] [state operative parts of agreement, decision or award] :

[or Whereas on the _____ day of _____ a memorandum was recorded in this Court of a certificate given by the County Court of _____ holden at _____ to the effect that [state operative parts of certificate] :

And whereas default has been made in payment of the sum of £ _____ payable by the said _____ into Court [or to the said A. B. _____] according to the said award [or memorandum or certificate] ;

These are therefore to require and order you forthwith to make and levy the amount due to the said _____ under the said award [or memorandum or certificate], together with the costs of this warrant and the costs of executing the same, by distress and sale of the goods and chattels of [name the party against whose goods execution is issued], wheresoever they may be found within the district of this court (except the wearing apparel and bedding of him or his family and the tools and implements of his trade, to the value of five pounds), and also by seizing and taking any money, bank notes, bills of exchange, promissory notes, bonds,

(a) FORM 77 as amended by S.R. & O. 1936 No. 1309.

WORKMEN'S COMPENSATION

No. of Matter	Title.	Date of Proceedings.	Nature.
		Aug. 23, 1913	Arbitration held; Mr. appointed as medical referee to report; further hearing adjourned.
		Sept. 5, 1913	Report of medical referee received and forwarded to arbitrator; notice given to the parties.
		Oct. 16, 1913	Further hearing. Award made as follows (enter minute of award).
		Oct. 23, 1913	Costs of applicant taxed at £
		Nov. 5, 1913	£ for costs paid into court by respondents.
		Nov. 11, 1913	£ for costs paid to applicant's solicitor.
2.	In the matter of an agreement between A.B., of, and E.F. & Co., Limited, of, &c.	Oct. 7, 1913	Memorandum of agreement as to compensation, signed by A.B., left to be recorded.
		Oct. 8, 1913	Notice and copy memorandum sent by post to E. F. & Co., Limited.
		Oct. 10, 1913	Notice received from E.F.& Co., Limited, disputing memorandum.
		Oct. 10, 1913	Notice sent to A.B. that memorandum is disputed, and will not be recorded without consent in writing of E. F. & Co., Limited, or order of judge.
		Oct. 15, 1913	Application on behalf of A. B. that memorandum be recorded.
		Oct. 22, 1913	Application heard, and order made that memorandum be recorded with alterations.
		Oct. 24, 1913	Memorandum recorded as follows [<i>set out memorandum</i>].
		Oct. 31, 1913	Costs of A.B. taxed and allowed at £
		Nov. 18, 1913	Execution issued for costs.
			&c., &c., &c.

NOTE.—*Similar entries to be made as to all matters required to be recorded.*

FORM 80(a)

ORDER FOR REQUEST TO EXAMINE WITNESSES IN DENMARK

[Heading as in Award.]

It is ordered that a letter of request do issue directed to the proper tribunal for the examination of the following witnesses, that is to say : Rule 75A (4)
E.F. of . . . , G.H. of . . . , and I.J. of . . .
And it is ordered that the depositions taken pursuant thereto, when received, be filed in this Court, and be given in evidence on the hearing of this arbitration, saving all just exceptions.

FORM 81(a)

LETTER OF REQUEST TO EXAMINE WITNESSES IN DENMARK

To the Competent Judicial Authority of . . . in the Kingdom of Denmark. Rule 75A (4)

Whereas an arbitration under the Workmen's Compensation Act is now pending in the County Court of . . . , holden at . . . in England, in which . . . is applicant, and . . . is the respondent, and a copy of the request for arbitration with the particulars appended or annexed thereto accompanies this letter of request.

And whereas it has been represented to the said Court that it is necessary for the purpose of justice and for the due determination of the matters in dispute between the parties, that the following persons should be examined as witnesses upon oath touching such matters, that is to say :

. . . , of . . .
and . . . , of . . .

And it appearing that such witnesses are resident within your jurisdiction.

Now I, . . . , Judge of the said County Court in England, have the honour to request, and do hereby request, that for the reasons aforesaid and for the assistance of the said Court, you will be pleased to summon the said witnesses . . . (and such other witnesses as the agents of the said applicant and respondent shall humbly request you in writing so to summon) to attend at such time and place as you shall appoint before you, or such other person as according to your procedure is competent to take the examination of witnesses, and that you will cause such witnesses to be examined [upon the interrogatories which accompany this letter of Request] *viva voce* touching the said matters in question in the presence of the agents of the applicant and respondent or such of them as shall, on due notice given, attend such examination.

And I further have the honour to request that you will permit the agents of both the said applicant and respondent or such of them as shall be present to be at liberty to examine [upon interrogatories and *viva voce* upon the subject matter thereof or arising out of the answers thereto] such witnesses as may, after due notice in writing, be produced on their behalf, and give liberty to the other party to cross-examine the said witnesses [upon cross interrogatories and *viva voce*] and the parties producing the witnesses for examination the liberty to re-examine him *viva voce*.

(a) FORMS 80 and 81 added by S.R. & O. 1927 No. 393.

