

WORKMEN'S COMPENSATION ACT

CHAPTER 88:05

Act

24 of 1960

Amended by

12 of 1962

29 of 1968

46 of 1979

17 of 1981

18 of 1986

36 of 1997

Current Authorised Pages

<i>Pages</i> <i>(inclusive)</i>	<i>Authorised</i> <i>by L.R.O.</i>
1-110	..

Index of Subsidiary Legislation

	<i>Page</i>
Medical Referees Rules of Court (GN 117/1946) 	52
Workmen's Compensation (Appeals) Rules of Court 	61
Workmen's Compensation (Medical Referees) Regulations (GN 116/1946) ...	65
Workmen's Compensation Regulations (G. 16.12.26) 	72

Note on Adaptation

Certain fees in this Chapter were increased by the Commission under paragraph 4 of the Second Schedule to the Law Revision Act (Ch. 3:03) . Where this occurs, a marginal reference in the form normally indicating an amendment is made to LN 51/1980 (the Legal Notice by which the President's approval was signified).

CHAPTER 88:05

WORKMEN'S COMPENSATION ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title and commencement.

PART I

PRELIMINARY

2. Interpretation.
3. Appointment and remuneration of medical referees.

PART II

COMPENSATION

4. Employer's liability for compensation.
5. Amount of compensation.
 - Death.
 - Permanent total disablement.
 - Permanent partial disablement.
 - Temporary disablement.
6. Method of calculating earnings.
7. Review.
8. Payment of lump sum in lieu of half-monthly payments.
9. Distribution of compensation.
 - On death.
 - Lump sums.
 - Other cases.
 - Receipt of Registrar.
 - Notice to dependants.
 - Workman under disability.
 - Variation of order.
 - Deductions for costs.
10. Compensation not to be assigned, attached or charged.
11. Notice and claim.
12. Medical examination.
 - Refusal to be examined.
 - Leaving vicinity prior to examination.
 - Death prior to examination.

ARRANGEMENT OF SECTIONS—*Continued*

SECTION

- Compensation not payable during period of suspension.
- Measure of compensation on refusal to be examined or disregard of medical advice.
- 13. Application for reference to medical referee.
- 14. Employment of contractors.
 - Indemnity.
 - Notice to contractor of proceedings against principal.
 - Contractor.
 - Control of principal.
- 15. Remedies against both employer and stranger.
 - Recovery of damages a bar.
 - Indemnity by third party.

PART III

MEDICAL AID

- 16. Medical expenses.

PART IV

OCCUPATIONAL DISEASES

- 17. Constitution of special Medical Board and compensation in respect of diseases.
- 18. Liability to pay compensation.
- 19. Fixing a date from which time is to run, indicating requirements as to giving of notice.
- 20. Calculation of earnings.
- 21. Presumption as to cause of death or disablement.
- 22. Power of Minister to add to or delete from First Schedule.
- 23. Savings right of workmen to proceed against previous employer.

PART V

COMPULSORY INSURANCE

- 24. Compulsory insurance against workmen's compensation claims.
- 25. Conditions under which liability for payment by insurer arises.
- 26. Restriction on the grant or issue of licences to carry on trade or business.
- 27. Bankruptcy of employer.
 - In case of a guarantee bond.
 - Where liability is wholly uninsured.

UNOFFICIAL VERSION

UPDATED TO DECEMBER 31ST 2015

SECTION

- Proof in bankruptcy.
- Priority.
- 28. Forgery, etc. of policies of insurance.
- 29. Definition.

**PART VI
COMMISSIONERS**

- 30. Reference to Commissioners.
- 31. Judges of High Court to be Commissioners.
- 32. Application to Commissioner.
- 33. Powers and procedure of Commissioners.
- 34. Reference by Commissioner to medical referee.
- 35. Persons entitled to appear, etc., before Commissioner.
- 36. Fees.
- 37. Commissioner to take notes of evidence.
- 38. Costs.
- 39. Registration of orders.
- 40. Registration of agreements.
Costs paid by employer to workman's Attorney-at-law to be disclosed.
- 41. Orders and agreements enforceable as High Court judgments.
- 42. Effect of failure to register agreement.
- 43. Appeals.

**PART VII
GENERAL**

- 44. Returns as to compensation.
- 45. Contracting out.
- 46. Workmen in employment of Government and of local authorities.
- 47. Application to persons employed on ships or vessels.
- 48. General penalty.
- 49. Rules of Court.
- 50. Power to make Regulations.

FIRST SCHEDULE.

SECOND SCHEDULE.

CHAPTER 88:05

WORKMEN'S COMPENSATION ACT

24 of 1960. **An Act to provide for the payment of compensation to workmen for injuries suffered in the course of their employment.**

*[15TH NOVEMBER 1960]

Short title and commencement. [124/1960 92/1997].

1. (1) This Act may be cited as the Workmen's Compensation Act.

(2) (a) Parts I, II, III, VI and VII of this Act came into operation on 15th November, 1960.

(b) Parts IV and V of this Act came into operation on 9th May, 1997.

†PART I

PRELIMINARY

Interpretation. [12 of 1962 46 of 1979 51/1980 17 of 1981 18 of 1986].

2. (1) In this Act—

“adult” means a person who is not under the age of seventeen years;

“child of a workman's family” means any child of a workman and his wife; and includes any other child (whether or not a child of the workman or of the wife) who is a member of the family of the workman;

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

“dependants” means such child of a workman's family and such other members of a workman's family as were wholly or in part dependent upon the earnings of the workman at the time of his death, or would but for the incapacity due to the accident have been so dependent; and includes a dependent female and any other person whom the workman at the time of his death treated as under a duty by him to support in whole or in part. However a person shall not be considered to be a partial dependent of a workman unless he was

*See section 1(2) for the dates of commencement of this Act.

†See section 1(2)(a).

dependent partially on contributions from the workman for the provision of the ordinary necessities of life suitable for persons in his class and position;

“dependent female” means a woman who, for not less than twelve months immediately before the date on which the workman died or was incapacitated as a result of the accident, although not legally married to him, lived with him as his wife and was dependent wholly or in part upon his earnings;

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

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

Provided that—

- (a) in relation to a person engaged in plying for hire with any vehicle or vessel, the use of which is obtained by that person under a contract of bailment (other than a hire-purchase agreement) the person from whom the use of the vehicle or vessel is so obtained shall be deemed to be the employer; and
- (b) in relation to a person employed for the purposes of any game or recreation and engaged or paid through a club, the manager or members of the managing committee of the club shall be deemed to be the employer;

“insurer” means an assurance company in whose case the requirements of the Assurance Companies Ordinance (now repealed) with respect to deposits and guarantees by

Ch. 31 No. 19.
(1950 Ed.).

assurance companies are complied with or an assurance company which is exempted from any such requirements by virtue of an order made under section 37 or section 38 of that Ordinance;

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

Ch. 4:01.

“Masters of the High Court” means the persons to whom sections 65A and 65B of the Supreme Court of the Judicature Act relate;

“medical aid” means medical, surgical and hospital treatment, skilled nursing services, the supply of medicines and the supply, maintenance, repair and renewal of artificial limbs;

Ch. 29:50.

“medical practitioner” means a person registered as a member of the Medical Board under the Medical Board Act;

“medical referee” means a medical practitioner appointed under section 3 as a medical referee for the purposes of this Act;

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

“minor” means a person who is under the age of seventeen years;

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

“partial disablement” means, where the disablement is of a temporary nature, such disablement as reduces the earning capacity of a workman in any employment in which he was engaged at the time of the accident resulting in the disablement and, where the disablement is of a permanent nature, such disablement as reduces his earning capacity in every employment which he was capable of undertaking at that time;

“Registrar” means the Registrar of the Supreme Court, and

includes the Deputy Registrar, Second Deputy Registrar and Sub-Registrars of San Fernando and Tobago;

“scheduled disease” means any occupational disease specified in the First Schedule;

First Schedule.

“total disablement” means such disablement, whether of a temporary or permanent nature, as incapacitates a workman for all work which he was capable of performing at the time of the accident resulting in such disablement;

“workman” means any person who has entered into or works under a contract of service or apprenticeship with an employer, whether by way of manual labour or otherwise, whether the contract was made before or after the commencement of this Act (that is, 15th November 1960), and whether such contract is expressed or implied, oral or in writing, whether the remuneration is calculated by time or by work done, and whether by the day, week, month or with reference to any other period whatever; and includes a person engaged in fishing on board any fishing vessel or in plying for hire with any vehicle or vessel the use of which is obtained by that person under any contract of bailment (other than a hire-purchase agreement) in consideration of the payment of a fixed sum or a share in the earnings or otherwise:

Provided that the following persons shall not be regarded as workmen for the purposes of this Act:

- (a) persons employed otherwise than by way of manual labour whose earnings exceed five thousand dollars a year or such other sum as may be prescribed;
- (b) persons whose employment is of a casual nature and who are employed otherwise than for the purposes of the employer's trade or business, not being persons employed for the purposes of any game or recreation and engaged or paid through a club;
- (c) outworkers;
- (d) members of the employer's family dwelling in his house;
- (e) members of the Defence Force of Trinidad and Tobago and any auxiliary force attached thereto; or

- (f) members of the Police Service and members—
- (i) of any Police organisation having the general powers of members of the Police Service constituted by law and in respect of whom provision exists in any law for the payment of a gratuity or pension in case of injury or death; or
 - (ii) of any Fire Service.

(2) Any reference to a workman who has been injured or has been disabled shall, where the workman is dead, include a reference to his legal personal representative or to his dependants or other person to whom or for whose benefit compensation is payable.

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

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

Second
Schedule.

(5) Every injury specified in the Second Schedule shall be held to result in permanent injury whether total or partial.

Appointment
and
remuneration of
medical
referees.

3. (1) The Minister may appoint any medical practitioner to be a medical referee for the purposes of this Act and may revoke any such appointment at any time.

(2) Any appointment made under subsection (1), or any revocation of any such appointment, shall take effect on the date of its publication in the *Gazette*.

(3) The remuneration of, and other expenses incurred by medical referees under this Act shall, subject to Regulations made under this Act and except so far as they are defrayed by fees received from the parties under this Act, be paid out of public funds.

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

(5) The number of medical referees appointed by the Minister shall at no time be less than six. However, a reduction below six of the number of medical referees shall not invalidate any reference to, or any certificate given by, a medical referee.

***PART II**

COMPENSATION

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

Employer's liability for compensation. [36 of 1997].

Provided that—

- (a) the employer shall not be liable under this Act in respect of any injury which does not disable the workman for a period of at least three days from working for full earnings at the work at which he was employed;
- (b) if it is proved that the injury to a workman is attributable to the serious and wilful misconduct of that workman, any compensation claimed in respect of that injury shall, unless the injury results in death or serious and permanent disablement, be disallowed.

* See section 1 (2)(a).

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

(3) Where compensation payable under this Act for injury by accident arising out of and in the course of employment is received as such by a workman who is an adult, no action shall be brought against the employer for compensation independently of this Act by such workman in respect of such accident after the expiration of four years from the date on which the cause of action accrued.

(4) In awarding compensation for injury under this Act a Commissioner shall take into account any damages recovered by a workman in respect of the same injury.

Amount of
compensation.

Death.
[51/1980].

5. (1) Subject to this Act, the amount of compensation shall be as follows:

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

- (i) if the workman leaves any dependants wholly dependent on his earnings, the lump sum shall be a sum equal to thirty-six months earnings;
- (ii) if the workman does not leave any dependants wholly dependent on his earnings, but leaves any dependants in part so dependent, the lump sum shall be such sum not exceeding in any case the amount payable under subparagraph (i) as may be agreed upon or, in default of agreement,

may be determined by the Commissioner, to be reasonable and proportionate to the injury to the said dependants;

- (iii) if the workman leaves no dependants, the lump sum shall be the aggregate of reasonable expenses of the burial of the deceased workman, not exceeding the sum of five hundred dollars;

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

- (i) in the case of an adult, a sum equal to forty-eight months earnings;
- (ii) in the case of a minor, a sum equal to ninety-six months earnings;

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

- (i) in the case of an injury specified in the Second Schedule, such percentage of the compensation which would have been payable in the case of permanent total disablement as is specified therein as being the percentage of the incapacity caused by that injury; and Second Schedule.
- (ii) in the case of an injury not specified in the Second Schedule, such percentage of the compensation payable in the case of permanent total disablement as is proportionate to the incapacity permanently caused by the injury: Second Schedule.

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

Temporary
disablement.

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

- (i) in the case of an adult, of a sum equal to one-third of his monthly earnings, and
- (ii) in the case of a minor, of a sum equal to one-half or, after he has attained the age of seventeen years, to one-third of his monthly earnings.

(2) As regards subsection (1)(a), (b) and (c), there shall be deducted from any sum to which the workman is entitled the amount of any payment or allowance which the workman has received from the employer by way of compensation during the period of disablement prior to the receipt of such sum, provided that the total amount to be deducted does not exceed fifty per cent of the lump sum so payable.

(3) As regards subsection (1)(d), there shall be deducted from any half-monthly payments to which the workman is entitled the amount of any payment or allowance which the workman has received from the employer by way of compensation during the period of disablement prior to the receipt of the first half-monthly payment and no half-monthly payment shall in any case exceed the amount, if any, by which half the amount of the monthly earnings of the workman before the accident exceeds half the amount of such earnings as he is receiving in some suitable employment or business after the accident or which, but for his refusal to work in some suitable employment or business, he would have received.

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

6. (1) In this Act, the expression “monthly earnings” means the amount of earnings considered to be payable for a month’s service (whether the earnings are payable by the month or by whatever period or at piece rates) and calculated in accordance with the following rules:

Method of calculating earnings.

- (a) where the workman, during a continuous period of not less than twelve months immediately preceding the accident, was in the service of the employer who is liable to pay compensation, the monthly earnings of the workman shall be one-twelfth of the total earnings which have fallen due for payment to him by the employer in the last twelve months of that period;
- (b) in other cases, the monthly earnings shall be thirty times the total earnings payable in respect of the last continuous period of service immediately preceding the accident by the employer who is liable to pay compensation divided by the number of days comprising such period:

Provided that where by reason of the shortness of the time during which the workman has been in the employment of such employer or the casual nature of the employment or the terms of the employment it is impracticable at the date of the accident to compute a rate of remuneration which would be representative of the workman’s average monthly earnings, regard may be had to the average monthly amount which during the twelve months previous to the accident was being earned by a person of similar earning capacity in the same grade employed at the same work by the same employer or, if there is no person so employed, by a person of similar earning capacity in the same grade employed in the same class of employment and in the same district;

- (c) employment by the same employer shall be taken to mean employment by the same employer in the grade in which the workman was employed

at the time of the accident, uninterrupted by absence from work due to illness or any other unavoidable cause.

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

(3) Subject to subsection (4), where the workman had entered into concurrent contracts of service with two or more employers under which he worked at one time for one such employer and at another time for another such employer, his monthly earnings shall be computed as if his earnings under all such contracts were earnings in the employment of the employer for whom he was working at the time of the accident. However, the earnings of the workman under the concurrent contract shall be disclosed to any other employer at the time of his engagement with the latter and shall be taken into account only so far as the workman is incapacitated from performing the concurrent contract.

(4) Where a workman is employed on stevedoring, lightering or wharf work under contracts of service with two or more employers under which he worked at one time for one such employer and at another time for another such employer, his monthly earnings shall be computed as if his earnings under all such contracts were earnings in the employment of the employer for whom he was working at the time of the accident.

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

Review.

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

(2) Any half-monthly payment may, on review under this section, subject to the provisions of this Act, be continued, increased, decreased or ended or, if the accident is found to have resulted in permanent disablement, be converted to the lump sum to which the workman is entitled less any amount which may be deductible under section 5(1).

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

Payment of lump sum in lieu of half-monthly payments.

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

Distribution of compensation.

On death.

(2) Compensation payable where permanent disablement has resulted from an injury and lump sums payable under section 8 where temporary disablement has resulted from an injury shall be deposited with the Registrar, and any sum so deposited shall be paid to the person entitled to it or be invested, applied or otherwise dealt with for his benefit in such manner as the Registrar or, upon reference to him by the Registrar, a Commissioner, thinks fit.

Lump sums.

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

Other cases.

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

Receipt of Registrar.

(5) Nothing in this section shall prevent an employer from making any payment or allowance to a workman pending the settlement or determination of the claim and the Commissioner may, subject to section 5(1), order that such payment or allowance shall be deducted from the amount of compensation payable to the workman under this section.

Notice to dependants. [51/1980].

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

Workman under disability.

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

Variation of order.

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

for the variation of the former order as he thinks just in the circumstances of the case. However, no such order prejudicial to any person shall be made—

- (a) unless such person has been given an opportunity of showing cause why the order should not be made; or
- (b) in any case in which it would involve the repayment by a dependant of any sum already paid to him.

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

Deductions for costs.

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

Compensation not to be assigned, attached or charged.

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

Notice and claim. [36 of 1997].

Provided that—

- (a) the want of or any defect or inaccuracy in such notice shall not be a bar to the maintenance of such proceedings if the employer is proved to

have had knowledge of the accident from any other source at or about the time of the accident, or if it is found in the proceedings for settling the claim that the employer is not, or would not, if a notice or an amended notice were then given and the hearing postponed, be prejudiced in his defence by the want, defect or inaccuracy, or that such want, defect or inaccuracy, was occasioned by mistake, absence from Trinidad and Tobago or other reasonable cause; and

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

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

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

(4) Where the employer is a body of persons, corporate or not, the notice, if in writing, may also be given by delivering it or by sending it by post in a registered letter addressed to the employer at the office or, if there be more than one office, any one of the offices of such body.

Medical
examination.

12. (1) Where a workman has given notice of an accident or where an accident has occurred in respect of which the necessity of giving notice under this Act is dispensed with, a workman shall,

if the employer offers to have him examined free of charge by a medical practitioner, submit himself for such examination, and any workman who is in receipt of a half-monthly payment under this Act shall, if so required, submit himself for such examination from time to time. However, a workman shall not be required to submit himself for examination by a medical practitioner otherwise than in accordance with Regulations made under this Act, or at more frequent intervals than may be prescribed.

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

Refusal to be examined.

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

Leaving vicinity prior to examination.

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

Death prior to examination.

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

Compensation not payable during period of suspension.

(6) Where an injured workman has refused to be attended by a medical practitioner whose services have been offered to him by the employer free of charge or having accepted such offer has deliberately disregarded the instructions of such medical practitioner,

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

then, if it is thereafter proved that the workman has not been regularly attended by a medical practitioner and that such refusal, failure or disregard was unreasonable in the circumstances of the case and that the injury has been aggravated thereby, the injury and resulting disablement shall be considered to be of the same nature and duration as they might reasonably have been expected to be if the workman had been regularly attended by a medical practitioner, and compensation, if any, shall be payable accordingly.

Application for
reference to
medical referee.

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

(2) In the case of an application made by both parties under the provisions of subsection (1), the Registrar shall refer the matter to a medical referee chosen by both parties but, if such parties cannot agree on the choice of a medical referee within such time as may be fixed by the Registrar, the Registrar shall refer the matter to a medical referee chosen by him.

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

(4) Where no agreement can be arrived at between the employer and the workman as to whether or to what extent the incapacity of the workman is due to the accident, the provisions of this section shall, subject to any Regulations made under this Act, apply as if the question were a question as to the condition of the workman.

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

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

Employment of
contractors.

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

Indemnity.

(3) Where a claim for compensation is made under this section against a principal, the principal shall give notice of the claim to the contractor who shall thereupon be entitled to intervene in any application made against the principal.

Notice to
contractor of
proceedings
against
principal.

Contractor. (4) Nothing in this section shall be construed as preventing a workman recovering compensation under this Act from the contractor instead of the principal.

Control of principal. (5) This section shall not apply in any case where the accident occurred elsewhere than on, or in, or about premises on which the principal has undertaken to execute the work or which are otherwise under his control or management.

Remedies against both employer and stranger. **15.** Where the injury for which compensation is payable under this Act was caused under circumstances creating a legal liability in some person other than the employer to pay damages in respect of such injury—

Recovery of damages a bar. (a) the workman may, subject to section 4(4), take proceedings both against that person to recover damages and against any person liable to pay compensation under this Act for such compensation; and

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

***PART III**

MEDICAL AID

Medical expenses. [51/1980]. **16.** (1) Subject to subsection (2), the employer shall defray reasonable expenses to an amount not exceeding five hundred dollars under each head reasonably incurred by a workman who has suffered personal injury as a result of an accident arising out of and in the course of his employment in respect of the following heads:

(a) medical, surgical and hospital treatment, skilled nursing services, the supply of medicines and travelling for the purpose of obtaining any of the foregoing; and

* See section 1 (2)(a).

(b) the supply, maintenance, repair and renewal of non-articulated artificial limbs and apparatus.

(2) An employer shall not be liable to defray expenses incurred by a workman in respect of any treatment, services or medicines specified in subsection (1) if he maintains in respect thereof facilities approved for the purposes of this Act by the Minister and has made such facilities available free of cost to such workman. However, in any case where an injured workman satisfies the Commissioner that he has obtained special medical treatment by reason of the fact that the injury incurred by him required treatment not provided for or available to his employer, the Commissioner may allow such injured workman to recover from such employer the reasonable expenses incurred by him in obtaining such special treatment.

(3) All disputes as to reasonableness or as to necessity for any medical aid to be provided under this section shall be determined by a Commissioner whose decision shall be final.

(4) The medical expenses payable under this Part shall be in addition to any amount payable as compensation under Part II or Part IV.

(5) In this Part, "Minister" means the Minister responsible for Health.

***PART IV**

OCCUPATIONAL DISEASES

17. (1) The Minister shall appoint a special Medical Board for the purposes of this Part and may revoke any such appointment at any time.

Constitution of special Medical Board and compensation in respect of diseases.

(2) The Minister shall appoint a Chairman of any such special Medical Board and, in the absence or inability to act of the Chairman, may appoint a person to act temporarily as Chairman.

(3) The Minister shall appoint a panel of duly qualified medical practitioners containing at least two persons who are recognised specialists in diseases of the lung from which the members of any such Board (other than the Chairman) may be selected.

* See section 1 (2)(b).

(4) A special Medical Board at any sitting shall consist of three members, namely, the Chairman and two members, one of whom shall be a recognised specialist in diseases of the lung, to be selected by the Chairman from the panel appointed under subsection (3).

(5) The Minister may appoint a Secretary and an Assistant Secretary to any special Medical Board and any such other officers as he thinks necessary.

(6) The remuneration of, and other expenses incurred by members, the Secretary, Assistant Secretary and other officers of a Special Medical Board shall, subject to Regulations made under this Act, be paid out of moneys provided by Parliament.

(7) Any appointment made under subsection (1) or subsection (2), or any revocation of any such appointment, shall be published in the *Gazette* and shall take effect on the date of its publication.

(8) Where—

(a) a special Medical Board grants a certificate that a workman is suffering from any disease mentioned in paragraph (10) of Part I or in Part II of the First Schedule causing disablement or that the death of a workman was caused by any such disease; or

(b) a medical practitioner grants a certificate that a workman is suffering from a scheduled disease mentioned in Part I (other than paragraph (10) thereof) of the First Schedule causing disablement or that the death of a workman was caused by any such disease and a Commissioner is satisfied to that effect; and

(c) a Commissioner is satisfied—

(i) that a disease mentioned in Part I of the First Schedule was due to the nature of an employment in which the workman was employed at any time within twenty-four months previous to the date of the granting of the certificate or the death of the workman; or

First Schedule.

- (ii) that a disease mentioned in Part II of the First Schedule was due to the nature of an employment in which the workman was employed at any time within twelve months previous to the date of the granting of the certificate or the death of the workman,

the workman shall, subject to the provisions of subsection (9), be entitled to compensation under this Act as if the disease were a personal injury by accident arising out of and in the course of that employment, and the disablement shall be treated as the happening of the accident.

(9) The workman shall not be entitled to compensation if it is proved that he had at the time of entering the employment wilfully and falsely represented in writing to the employer in reply to a specific question that he had not previously suffered from any such disease.

18. (1) Compensation shall be payable—

- (a) in the case of a workman who is disabled by or has died as a result of a disease mentioned in Part I of the First Schedule, by the last employer who employed such workman during the twenty-four months immediately preceding the disablement or death, as the case may be, of such workman; and
- (b) in the case of a workman who is disabled by or has died as a result of a disease mentioned in Part II of the First Schedule, by the last employer who employed such workman during the twelve months immediately preceding the disablement or death, as the case may be, of such workman.

Liability to pay compensation.

First Schedule.
Part I.

Part II.

(2) The workman who has been disabled, if so required, shall furnish to the employer from whom compensation is claimed such information as he may possess as to the names and addresses of all other employers who during the periods referred to in subsection (1) employed the workman in any occupation to the nature of which the disease is due.

(3) If the employer alleges that the disease was in fact contracted while the workman was in the employment of some other employer and not while in his employment, he may join such other employer as a party to the proceedings in such manner as may be provided by Rules of Court made under this Act and, if the allegation is proved, that other employer shall be the employer from whom the compensation is to be recoverable.

(4) If the disease is of such a nature as to be contracted by a gradual process, any other employers who during the periods referred to in subsection (1) employed the workman in the occupation to the nature of which the disease is due shall be liable to make to the employer from whom compensation is recoverable such contributions as in default of agreement may be settled by a Commissioner.

Fixing a date from which time is to run, indicating requirements as to giving of notice.

19. (1) In the application of the provisions of this Act other than section 11 to disablement or death caused by a scheduled disease, references to the date of the occurrence of the accident shall be construed as meaning—

- (a) in the case of a scheduled disease causing disablement, the date of the disablement as determined by the Commissioner; and
- (b) in the case of death from a scheduled disease, the date of the death of the workman.

(2) The provisions of section 11 shall apply in respect of the recovery of compensation under this Part as they apply in respect of the recovery of compensation for an injury; but for the purposes of the said section the time of the happening or occurrence of the accident shall be held to be the date of the granting of the certificate referred to in section 17(8).

Calculation of earnings.

20. Compensation under this Part shall be calculated with reference to the earnings of the workman under the employer from whom the compensation is recoverable.

Presumption as to cause of death or disablement. First Schedule. Part I.

21. If a workman who becomes disabled by or dies from—
(a) any scheduled disease mentioned in Part I of the First Schedule was, within the period of

twenty-four months immediately preceding the date of the disablement or death, employed in any occupation mentioned in the said Part I opposite such disease; or

- (b) any scheduled disease mentioned in Part II of the First Schedule was, within the period of twelve months immediately preceding the date of disablement or death, employed in any occupation mentioned in the said Part II opposite such disease,

First Schedule.
Part II.

it shall be presumed, unless the contrary is proved, that the disease was due to the nature of such employment.

22. (1) The Minister may, by Notification, delete from the First Schedule any disease, occupation or description of work mentioned therein and may, in like manner, insert any disease or description of work in the said Schedule.

Power of
Minister to add
to or delete from
First Schedule.

(2) Before issuing any Notification under subsection (1), the Minister shall—

- (a) cause a notice to be published, in at least three issues of a newspaper circulating in Trinidad and Tobago at intervals of not less than one week and twice in the *Gazette*, setting out the Notification which it is proposed to issue and inviting any person who objects to the issuing of such Notification to state in writing his objection and grounds on which he relies in support of the objection to the Permanent Secretary to the Minister on or before such day as may be specified in the notice; and
- (b) consider any objections which may have been received pursuant to the notice.

23. Nothing in this Part shall be construed as preventing compensation being recovered during the periods referred to in section 18(1) from any employer who last employed the workman during these periods proves that the disease was not contracted while the workman was in his employment, in which case the provisions of section 18(3) shall apply.

Savings right of
workmen to
proceed against
previous
employer.

***PART V**

COMPULSORY INSURANCE

Compulsory insurance against workmen's compensation claims.

24. (1) Subject to this Act, it shall not be lawful for any person to employ any workman unless there is in force in relation to the employment of that workman a policy of insurance; but this subsection shall not apply where the employer is the Government of Trinidad and Tobago.

(2) Every employer shall, if required to do so by any person generally or specially authorised in that behalf by the Minister, produce to such person for inspection any policy of insurance in relation to the employment of any of his workmen.

(3) The Minister may, if satisfied that a guarantee bond in such sum of money and containing such conditions as he thinks fit entered into by an employer with a banker or an insurer offers as good a security as a policy of insurance in respect of the full amount of the liability of the employer under this Act, direct that such bond be given and that, so long as it continues in force, it shall stand in lieu of the policy of insurance required under subsection (1); and every such bond shall be made in favour of the Permanent Secretary to the Minister, and shall be deposited with the Registrar General.

(4) The Permanent Secretary to the Minister shall, upon any employer failing to pay any sum of money agreed upon or adjudged by the Commissioner to be paid as compensation under this Act for the benefit of a workman who has been injured, enforce the guarantee bond given in relation to that workman; and the bond, if given to secure the payment of compensation in respect of other workmen, shall remain in force as regards the other workmen notwithstanding such enforcement.

(5) Any condition in a policy of insurance providing that no liability shall arise under the policy, or that any liability so arising shall cease in the event of some specified thing being done or omitted to be done after the happening of the accident giving rise to a claim under the policy, shall be of no effect upon any claim made by a

* See section 1 (2)(b).

workman who has been injured. However, nothing in this subsection shall be taken to render void any provision in a policy requiring the insured employer to repay to the insurer any sums which the latter may have become liable to pay under the policy and which have been applied to the satisfaction of any such claim.

(6) Any employer who contravenes subsection (1) or subsection (2) shall be guilty of an offence against this Act, and such offence so long as the default continues shall be deemed to be a continuing offence.

25. (1) If, after a policy of insurance has been issued in favour of an employer, he incurs any liability to a workman who has been injured, then notwithstanding anything to the contrary in such policy of insurance, the insurer shall discharge such liability including any sum payable in respect of costs in the manner prescribed in section 9.

Conditions under which liability for payment by insurer arises.

(2) No sum is payable by an insurer under this section unless—

- (a) in the case of compensation agreed upon between the employer and a workman who has been injured, such insurer consented to pay the sum agreed upon as compensation to the said workman; or
- (b) in the case of compensation adjudged by the Commissioner to be paid to a workman who has been injured, the insurer had notice of application to determine the compensation in time to enable him to apply to be added as a defendant, if he is so minded; or in respect of any judgment to pay compensation, so long as execution thereon is stayed by the Commissioner or pending appeal; or in respect of a policy of insurance, if before the happening of the event which was the cause of the death or personal injury giving rise to the liability the policy was cancelled by mutual consent or by virtue of any provision contained therein.

(3) If notice of application to determine any compensation is given to an insurer in time to enable him to apply to the Commissioner to be added as a defendant, the Commissioner shall add the insurer as a defendant and he shall have the same right to defend the proceedings as if he were the employer.

Restriction on the grant or issue of licences to carry on trade or business.

26. Notwithstanding any written law prescribing the conditions for the grant or issue of any licence to commence or carry on any trade or business in which any workman is engaged by an employer, no such licence shall be granted or issued unless, by the production of a policy of insurance or an office copy of a guarantee bond, the applicant first satisfies the authority authorised to grant or issue such licence that he has complied with section 24.

Bankruptcy of employer.

27. If, at the time of the happening of any event entitling a workman who has been injured to compensation under this Act, the employer liable to pay such compensation is not covered by insurance in respect of liability as required by this Act, then in the event of the employer becoming bankrupt or making a composition or arrangement with his creditors or, if the employer is a company, in the event of the company having commenced to be wound up or a receiver or manager of the company's business or undertaking having been duly appointed, or possession having been taken, by or on behalf of the holders of debentures secured by a floating charge, of any property comprised in or subject to the charge—

In case of a guarantee bond.

(a) the liability of the employer to pay the workman who has been injured compensation under this Act shall devolve upon and be discharged by the person (if any) who shall have entered into a guarantee bond as surety to the employer under section 24, and such person shall in all respects be bound, as if he were the employer, by any order, decision or award made in favour of the workman who has been injured; but

Where liability is wholly uninsured.

(b) if no person has entered into a guarantee bond as mentioned above—

Proof in bankruptcy.

(i) the workman who has been injured may prove for the compensation or balance of compensation due and payable to him in

the bankruptcy or liquidation, or, as the case may be, he may recover the same from the receiver or manager; and

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

Priority.
Ch. 9:70.

28. (1) If, with intent to deceive, any person—

- (a) forges within the meaning of the Forgery Act, or alters or uses or lends to or allows to be used by any other person, a policy of insurance, or an office copy of a guarantee bond executed pursuant to the provisions of this Act; or
- (b) makes or has in his possession any document so closely resembling such a policy of insurance or an office copy of such guarantee bond as to be calculated to deceive,

Forgery, etc., of
policies of
insurance.
Ch. 11:13.

he shall be liable on conviction on indictment to imprisonment for two years.

(2) If any person for the purpose of obtaining the issue of a policy of insurance makes any false statement or withholds any material information, he shall be guilty of an offence against this Act.

(3) Any person who issues a policy of insurance which is to his knowledge false in any material particular, is guilty of an offence against this Act.

(4) If any person to whom an employer is required by section 24(2) to produce for inspection his policy of insurance has reasonable cause to believe that any policy of insurance produced to him in pursuance of this requirement is a document in relation to which an offence under this section has been committed, he may seize the document, and when any document is seized under this section, the employer from whom it was taken shall, unless previously charged with an offence under this section, be summoned before a Magistrate to account for his possession of the said document, and the Magistrate shall make such order respecting the disposal of the said document and award such costs as the justice of the case may require.

Definition.

29. In this Part—

- (a) “policy of insurance” means a policy of insurance or indemnity issued by an insurer and insuring or indemnifying the holder thereof against the full amount of his liability under this Act in respect of a workman employed by him;
- (b) a reference to a workman who has been injured shall be construed as including a reference to a workman who has been disabled by a disease mentioned in the First Schedule.

First Schedule.

***PART VI**

COMMISSIONERS

Reference to Commissioners.

30. (1) If any question arises in any proceedings under this Act as to the liability of any person to pay compensation (including any question as to whether a person injured is or is not a workman) or as to the amount or duration of compensation (including any question as to the nature or extent of disablement), the question shall, in default of agreement, be settled by a Commissioner.

* See section 1 (2)(a).

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

31. (1) The Masters of the High Court shall be Commissioners for Trinidad and Tobago, and the Magistrate from time to time assigned for duty as such in Tobago shall, in addition to the Masters of the High Court, be a Commissioner for Tobago.

Judges of High Court to be Commissioners. [18 of 1986].

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

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

Application to Commissioner.

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

- (a) a concise statement of the circumstances in which the application is made and the relief or order which the applicant claims;
- (b) in the case of a claim for compensation against an employer, the date of service on the employer of notice of the accident required by section 11 and, if such notice has not been served or has not been served in due time, the reason for such omission;
- (c) the names and addresses of the parties; and
- (d) a concise statement of the matters on which agreement has and of those on which agreement has not been reached.

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

Powers and procedure of Commissioners.

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

Reference by Commissioner to medical referee.

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

(2) When the Commissioner has decided to refer a matter to a medical referee by virtue of subsection (1), he shall fix the time within which the parties may come to an agreement as to the choice of a medical referee, and failing such agreement the Commissioner shall refer the matter to a medical referee chosen by him.

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

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

Persons entitled to appear, etc., before Commissioner.

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

36. No person other than an Attorney-at-law who appears or acts on behalf of any party in connection with proceedings before the Commissioner under this Act is entitled to any fee or reward for so appearing or acting.

Fees.

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

Commissioner to take notes of evidence.

38. All costs incidental to any proceedings before the Commissioner shall, subject to Regulations made under this Act, be in the discretion of the Commissioner.

Costs.

39. (1) At the conclusion of the hearing of every application for the settlement of a matter by the Commissioner he shall give such decision and order as may be necessary for finally disposing of all or any questions arising upon the application and shall duly record the same.

Registration of orders.

(2) Where the order directs the payment of compensation or the payment for provision of medical aid under this Act or the variation of the amount or rate of payment of compensation previously ordered by the Commissioner or settled by agreement, the Commissioner shall direct the Registrar to record a memorandum of his order in a register in the prescribed manner.

40. (1) Subject to this section, where the amount of compensation under this Act has been settled or varied by agreement, a memorandum thereof shall be sent by the employer, and may be sent by any party interested, to the Registrar who shall, on being satisfied as to its genuineness, duly record the memorandum in a register in the prescribed manner.

Registration of agreements. [29 of 1968].

(2) No such memorandum shall be recorded before seven days after communication by the Registrar of notice to the parties concerned.

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

(4) The Registrar may at any time rectify the register.

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

(6) Where a memorandum of agreement for the payment of a lump sum is sent for registration in accordance with this section, the Registrar shall have power in accordance with Rules of Court made under section 49—

- (a) to require either party to the agreement to furnish him either orally or in writing with such information as he may consider necessary, or to require the attendance before him of any of the parties to the agreement;
- (b) when the information as to the workman's condition appears to him to be insufficient or conflicting, to require a report as to the workman's condition to be obtained from a medical referee chosen by both parties or, if they fail to agree as to the choice of a medical referee within the time fixed by the Registrar, by a medical referee chosen by the Registrar;

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

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

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

(9) Any memorandum of agreement to which this section applies shall disclose the amount (if any) paid or payable as costs under or in respect of the agreement by the employer to the Attorney-at-law for the workman who has been injured, and, if it appears to the Registrar that the amount is excessive, the Registrar shall, subject to Rules of Court made under this Act, tax such costs; and if the costs are reduced on taxation, the amount of such reduction shall either be applied or dealt with for the benefit of the workman who has been injured or paid to the employer.

Costs paid by employer to workman's Attorney-at-law to be disclosed.

41. Every memorandum and every amendment to a memorandum registered under section 39 or section 40, and every order made under section 40 when recorded as required by the said sections, shall thereupon for all purposes be enforceable as a High Court judgment.

Orders and agreements enforceable as High Court judgments.

42. Where a memorandum of any agreement, the registration of which is required by section 40, is not sent to the Registrar as required by that section, the employer is liable to pay the full amount of compensation which he is liable to pay under this Act and,

Effect of failure to register agreement.

notwithstanding anything contained in the proviso to section 5(1), shall not, unless the Commissioner otherwise directs, be entitled to deduct more than half of any amount paid to the workman by way of compensation whether under the agreement or otherwise.

Appeals.
[51/1980].

43. (1) Subject to this section and section 16, an appeal shall lie to the Court of Appeal from any order of the Commissioner.

(2) Except upon the certificate of the Commissioner or with the leave of the Court of Appeal (neither of which shall be granted unless in the opinion of the Commissioner or the Court of Appeal, as the case may be, some substantial question of law is involved in the appeal), no appeal shall lie if the amount in dispute is less than five hundred dollars.

(3) No appeal shall lie in any case in which the parties have agreed to abide by the decision of the Commissioner, or in which the order of the Commissioner gives effect to an agreement arrived at by the parties.

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

PART VII

GENERAL

Returns as to
compensation.

44. (1) The Minister may, by Notification in the *Gazette*, direct that every employer shall send within such time and in such form and to such person as may be specified in the Notification a correct return specifying the number of injuries in respect of which compensation has been paid by the employer during the previous year and the amount of such compensation, together with such other particulars as to the compensation as the Minister may direct.

(2) Any person required to make any return in pursuance of subsection (1) who—

- (a) fails to make such return within the time specified for doing so;

- (b) makes or causes to be made any such return which he knows or has reasonable cause to believe to be false in any material particular; or
- (c) on being so required, fails to give any information or explanation respecting the return which it is in his power to give,

is guilty of an offence against this Act, and such offence so long as the default continues shall be deemed to be a continuing offence.

45. Any contract or agreement, whether made before or after the commencement of this Act (that is, 15th November 1960), whereby a workman relinquishes any right of compensation or to medical aid from the employer as provided by this Act, shall be null and void in so far as it purports to remove or reduce the liability of any person to pay compensation or provide medical aid under this Act.

Contracting out.

46. In the assessment of compensation under this Act in the case of—

Workmen in employment of Government and of local authorities.

- (a) any workman in, or selected for appointment to, the service of the Government of Trinidad and Tobago before 1st December 1938 where, in consequence of injury received by any such workman in the discharge of his duties, a pension or gratuity which would not be payable if such injury were received otherwise is paid out of public funds to him or, in the case of his death, to any of his dependants; or
- (b) any workman in the employment of any public or local authority where, in the case of injury received by him in the discharge of his duties, provision exists by law for the grant of a pension or gratuity to such workman or, in the case of his death, to any dependants,

the amount of such pension or gratuity shall be taken into consideration and corresponding reductions shall be made in the amount which such workman or his dependants, as the case may be, would otherwise have been awarded as compensation under this Act.

Application to persons employed on ships or vessels. [46 of 1979].

47. (1) This Act shall apply to masters, seamen and apprentices to the sea service, provided that such persons are workmen within the meaning of this Act and are members of the crew of any ship registered in Trinidad and Tobago or of any other British ship or vessel of which the owner, or (if there is more than one owner) the managing owner, or manager resides or has his principal place of business in Trinidad and Tobago, subject to the following modifications:

- (a) the notice of accident and the claim for compensation may, except when the person injured is the master, be given to the master of the ship as if he were the employer, but where the accident happened and the disability commenced on board the ship it shall not be necessary to give any notice of the accident;
- (b) in the case of the death of the master, seaman or apprentice, the application for compensation shall be made within six months after the news of the death has been received by the claimant;
- (c) whenever in the course of any legal proceeding under this Act the testimony of any witness is required in relation to the subject matter of the proceeding then, upon due proof that the witness cannot be found, any deposition which the witness may have previously made on oath in relation to the same subject matter before any Justice or Magistrate in any Commonwealth territory or before a Trinidad and Tobago diplomatic agent or consular office elsewhere where and which, if the proceeding had been under the Merchant Shipping Act 1894, of the United Kingdom would have been admissible in such proceeding by virtue of sections 691 and 695 of that Act, shall be admissible in evidence subject to similar conditions as are laid down in the said sections 691 and 695;
- (d) in case of the death of a master, seaman or apprentice leaving no dependants, no compensation shall be payable if the owner of the ship is under the said Merchant Shipping Act 1894, liable to pay the expenses of burial.

57 and 58 Vict., c. 60.

(2) This Act also applies to any person not being a master, seaman or apprentice to the sea service, employed on board any such ship as is mentioned in this section, if he is so employed for the purposes of the ship or of any passengers or cargo or mails carried by the ship, and if he is otherwise a workman within the meaning of this Act.

(3) In this section—

“ship”, “vessel”, “seaman”, and “port” have the same meaning as in the said Merchant Shipping Act 1894;

“master” in relation to a ship means the ship’s husband or other person to whom the management of the ship is entrusted by or on behalf of the owner.

48. Any person who is guilty of an offence against this Act for which no special punishment is provided is liable on summary conviction to a fine of one thousand five hundred dollars or to imprisonment for six months or, if such person is a corporation, to a fine of five thousand dollars and in the case of a continuing offence such person is liable to a further fine of seventy-five dollars, or if a corporation one hundred and fifty dollars, for every day or part of a day during which such offence is held to be a continuing offence.

General penalty.

49. (1) The Rules Committee of the Supreme Court established by the Supreme Court of Judicature Act may subject to affirmative resolution of Parliament make Rules of Court for—

Rules of Court.
Ch. 4:01.

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

(b) regulating the procedure and practice in respect of reports required by the Registrar under section 40(6) and of appeals under section 43 of this Act.

(2) No such Rules of Court shall come into operation until the same have been laid before Parliament and until the expiration

of one month after the publication of such rules in the *Gazette*; but when such Rules of Court come into operation they shall have effect as if enacted by this Act and shall be judicially noticed.

Power to make Regulations.

50. (1) The Minister may make Regulations for all or any of the following purposes:

- (a) for prescribing the intervals at which and the conditions subject to which an application for review may be made under section 7 when not accompanied by a medical certificate;
- (b) for prescribing the intervals at which and the conditions subject to which a workman may be required to submit himself for medical examination under section 12(1);
- (c) for prescribing the procedure to be followed by Commissioners in the disposal of matters under this Act and by the parties in such matters;
- (d) for regulating the transfer of matters from one Commissioner to another and the transfer of money in such matters;
- (e) for prescribing the manner in which money in the hands of a Registrar may be invested for the benefit of dependants of a deceased workman and for the transfer of money so invested from one Registrar to another;
- (f) for the representation in proceedings before Commissioners of parties who are minors or are unable to make an appearance;
- (g) for prescribing the form and manner in which memoranda of agreements shall be presented to and registered by the Registrar;
- (h) for the withholding by Commissioners, whether in whole or in part, of half-monthly payments pending decision on applications for review of the same;
- (i) for prescribing the costs which may be allowed in respect of any claim or proceedings under this Act;

- (j) for prescribing the fees to be paid in respect of any claim or proceedings under this Act;
- (k) for prescribing the fees to be paid to any person appointed to assist a Commissioner under section 31(2);
- (l) for the maintenance by the Registrar of registers and records of proceedings before the Commissioners;
- (m) for providing for any matters which are required or authorised by this Act to be prescribed; and
- (n) generally for carrying out the provisions of this Act.

(2) Regulations made under this section may prescribe in respect of any contravention thereof or failure to comply therewith or with any directions issued thereunder a penalty not exceeding seven hundred and fifty dollars on summary conviction.

(3) Regulations made under this section shall have no force or effect until they have been approved by Parliament.

Section 2, 17, 21
and 22.

FIRST SCHEDULE

Occupational Diseases

PART I

Description of Disease	Occupation or description of Work
(1) Anthrax	Work in connection with animals or the handling of animal carcasses or parts of such carcasses or of wool, hair, bristles, hides, skins, hoofs or horns.
(2) Arsenic Poisoning or its sequelae	Any process involving the production, liberation or utilisation of arsenic or its preparations or compounds.
(3) Lead Poisoning or its sequelae	Any process involving the production, liberation or handling of lead or its compounds, or any work involving the use of lead or its preparations or compounds.
(4) Mercury Poisoning or its sequelae	Any process involving the use or handling of, or exposure to the fumes, dust or vapour of mercury or a compound of mercury, or a substance containing mercury.
(5) Phosphorus Poisoning or its sequelae	Any process involving the use or handling of, or exposure to the fumes, dust or vapour of, phosphorus or a compound of phosphorus, or a substance containing phosphorus.
(6) Poisoning by benzene or its homologues, their nitro- and amido- derivatives, and its sequelae	Any process involving the production, liberation or utilisation of benzene or its homologues, or their nitro- and amido-derivatives.
(7) Poisoning by the halogen derivatives of hydrocarbons of the aliphatic series	Any process involving the production, liberation or utilisation of halogen derivatives of hydrocarbons of the aliphatic series (designated by national laws or regulations).
(8) Pathological Manifestations due to— (a) Radium or other radio-active substances (b) X-rays	Any process involving exposure to the action of radium, radio-active substances or X-rays.

Description of Disease	Occupation or description of Work
<p>(c) Ulceration of the corneal surface of the eye</p> <p>(d) Localised new growth of the skin, papilomatous or keratotic</p>	<p>Any process involving the use or handling of, or exposure to, tar, pitch, bitumen, mineral oil (including kerosene), soot or any compound, product or residue of any of these substances.</p>
<p>(9) Poisoning by Chromates or Chromic Acid</p>	
<p>(10) Pneumoconioses</p>	<p>Any occupation involving—</p> <p>(a) the mining, quarrying or working of silica rock or the working of dried quartzose sand or any dry deposit or dry residue of silica or any dry admixture containing such materials (including any occupation in which any of the aforesaid operations are carried out incidentally to the mining or quarrying of other minerals or to the manufacture of articles containing crushed or ground silica rock);</p> <p>(b) the handling of any of the materials specified in the foregoing subparagraph in or incidental to any of the operations mentioned therein, or substantial exposure to the dust arising from such operations.</p>
<p>(i) Asbestosis</p>	<p>Any occupation involving the processing, use or handling of, or exposure to asbestos or to a compound of asbestos or any substance containing asbestos.</p>
<p>(ii) Bauxite Pulmonary Fibrosis (Shaver's Disease)</p>	<p>The making of synthetic abrasives and any occupation involving the liberation of fumes caused by the fusion of the ore known as bauxite with silica or any of its compounds.</p>

Occupational Diseases— Continued

Description of Disease	Occupation or description of Work
(iii) Mica Pneumoconiosis	Any occupation involving the processing, use or handling of silica aluminium compounds.
(iv) Talc Pneumoconiosis	Any occupation or process involving the use of finely powdered hydrous silicate.

PART II

Description of Disease	Occupation or description of Work
(1) Bagassosis	Any occupation involving the processing, use or handling of, or exposure to bagasse or a compound of bagasse or a substance containing bagasse.
(2) Berylliosis	Any occupation involving the making of fluorescent lamps.
(3) Byssinosis	Processes in which large quantities of cotton dust are present.
(4) Tuberculosis	Any occupation involving close and frequent contact with a source or sources of tuberculosis infection by reason of employment— <ul style="list-style-type: none"> (a) in the medical treatment or nursing of a person or persons suffering from tuberculosis, or in a service ancillary to such treatment or nursing; (b) in attendance upon a person or persons suffering from tuberculosis, where the need for such attendance arises by reason of physical or mental infirmity; (c) as a research worker engaged in research in connection with tuberculosis; (d) as a laboratory worker, pathologist or post mortem worker, where the occupation involves working with material which is a source of tuberculosis infection, or in an occupation ancillary to such employment.

SECOND SCHEDULE

List of injuries deemed to result in permanent disablement

Description of Injury	Percentage of Incapacity
Loss of two limbs	100
Loss of both hands or of all fingers and both thumbs	100
Total loss of sight.....	100
Total Paralysis	100
Injuries resulting in being bedridden permanently	100
Any other injury causing permanent total disablement	100
Loss of remaining eye by one-eyed workman	100
Loss of remaining arm by one-armed workman	100
Loss of remaining leg by one-legged workman	100
Loss of arm at shoulder	70
Loss of arm between elbow and shoulder	70
Loss of arm at elbow	70
Loss of arm between wrist and elbow	65
Loss of hand at wrist.....	60
Loss of four fingers and thumb of one hand.....	60
Loss of four fingers	35
Loss of thumb—	
both phalanges	35
one phalanx	25
Loss of index finger—	
three phalanges	10
two phalanges	8
one phalanx	4
Loss of middle finger—	
three phalanges	6
two phalanges	4
one phalanx	2
Loss of ring finger—	
three phalanges	5
two phalanges	4
one phalanx	2

**List of injuries deemed to result in permanent
 disablement—Continued**

Description of Injury	Percentage of Incapacity
Loss of little finger—	
three phalanges	5
two phalanges	4
one phalanx	2
Loss of metacarpals—	
first or second (additional)	3
third, fourth or fifth (additional)	2
Loss of leg at or above knee	70
Loss of leg below knee	50
Loss of foot	50
Loss of toes of one foot—	
all	20
great, both phalanges	10
great, one phalanx	2
other than great, if more than one toe lost each	1
Loss of eye—	
eye out	30
sight of	30
lens of	30
sight of, except perception of light	30
Loss of hearing—	
both ears	50
one ear	7

Total permanent loss of use of member shall be treated as loss of member.

The percentage of incapacity for ankylosis of any joint shall be reckoned as from 25 to 100 per cent of the incapacity for loss of the part at that joint, according to whether the joint is ankylosed in a favourable or unfavourable position.

In the case of a right-handed workman, an injury to the left arm or hand and, in the case of a left-handed workman, to the right arm or hand shall be rated at ninety per cent of the above percentages.

Where there is a loss of two or more parts of the hand, the percentage of incapacity shall not be more than for the whole hand.

Where there are two or more injuries, the sum of the percentages for such injuries may be increased, and where such injuries are to the hand, the following basis of computing the increase shall be adopted:

- (a) where two digits have been injured, the sum total of the percentages shall be increased by twenty per cent of such sum total;
- (b) where three digits have been injured, the sum total of the percentages shall be increased by thirty per cent of such sum total;
- (c) where four digits have been injured, the sum total of the percentages shall be increased by forty per cent of such sum total.

A one-eyed workman who on entering employment has failed to disclose the fact that he is one-eyed to his employer shall, if he loses his remaining eye, be entitled to compensation in respect of a degree of disablement of thirty per cent only.

For the purposes of this Schedule, "one-eyed workman" means a workman who has an eye out, lost the sight of one eye, lost the lens of one eye or lost the sight of one eye except perception of light.

SUBSIDIARY LEGISLATION

MEDICAL REFEREES RULES OF COURT

ARRANGEMENT OF RULES

RULE

1. Citation.
2. Interpretation.

APPLICATION FOR REFERENCE TO MEDICAL REFEREE UNDER SECTION 13 OF THE ACT

3. Application to Registrar.
4. Reference to medical referee.
5. Order on workman to submit to examination.
6. Notice of certificate of referee.

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

7. Request for entry of appeal.
8. Notice of hearing.

SCHEDULE.

MEDICAL REFEREES RULES OF COURT

117/1946.

**deemed to be made under section 49*

1. These Rules may be cited as the Medical Referees Rules of Court. Citation.

2. In these Rules— Interpretation.

“application” means an application for reference to a medical referee under section 13 of the Act;

“Form” means a form in the Schedule to these Rules;

“section” means a section of the Act;

“the Registrar” means the Registrar of the Supreme Court;

“Commissioner” means a Commissioner for workmen’s compensation;

“medical referee” means a member of the Medical Board of Trinidad and Tobago appointed by the Minister to act as medical referee for the purposes of the Act;

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

APPLICATION FOR REFERENCE TO MEDICAL REFEREE UNDER SECTION 13 OF THE ACT

3. (1) An application to the Registrar to refer any matter to a medical referee shall be made in writing, and where the application is made by only one of the parties shall be made on not less than four days’ notice in writing and shall contain a statement of the facts which render the application necessary, according to the form in the Schedule, 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. Application to Registrar. Form 1.

(2) 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.

*These Rules were made under section 35 of the Workmen’s Compensation Ordinance (Ch. 22 No. 14— 1950 Ed.) (now repealed) and continue in force by virtue of section 29(3) of the Interpretation Act (Ch. 3:01).

Reference to
medical referee.
Form 2.

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

Order on
workman to
submit to
examination.
Form 3.

5. (1) 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 Minister.

(2) 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.

(3) 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.

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

Notice of
certificate of
referee.
Form 4.

6. (1) 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.

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

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

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

Request for
entry of appeal.
Form 5.

8. On the filing of such request the Registrar shall—

- (a) enter the appeal in the books of the Court and fix a day for the hearing of the appeal by a Judge in Chambers;
- (b) serve on the appellant and respondent a notice in Form (6) by delivering at or posting the same to them at the address contained in the request.

Notice of
hearing.
Form 6.

SCHEDULE

(Rule 3).

FORM 1

Application for Reference to Medical Referee

IN THE MATTER OF THE WORKMEN'S COMPENSATION ACT

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 award or certificate) recorded
in the above-mentioned Court as to the weekly payment payable to A.B.,
of, by C.D. & Co., Limited, of

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 sectin 3(1) of the above-mentioned Act
under the following circumstances:

1. Ontheday ofnotice 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 Act. (or where an arbitration is pending):

1. An arbitration under the 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 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 award or certificate) in the above-
mentioned matter recorded in this Court on the day of
a weekly payment is payable to the said A.B. by the 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 by (or payable to) the said A.B.
is \$

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

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

5. The applicants request that an order may be made referring the matter to a
medical referee for his certificate as to the condition of the said A.B.
and his fitness for employment, specifying if necessary the kind of employment
for which he is fit, [or for his certificate whether (or to what extent) the incapacity
of the said A.B. is due to the accident] [or for his certificate as to
the condition of the said A.B. and his fitness for employment,
specifying if necessary the kind of employment for which he is fit, and as to
whether (or to what extent) the incapacity of the said A.B. is due
to the accident].

Dated this day of 20.....

(Signed)

Applicant.

(or Applicant's Attorney-at-Law)

C.D. & Co., Limited

..... or by Secretary.

(Attorneys-at-Law for C.D. & Co., Limited).

To the Registrar.

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

(Rule 4).

FORM 2

Order of Reference, section 13

(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 Minister for the purpose of the Workmen's Compensation Act to examine the said (name of workman), and to give his certificate as to the condition of the said and his fitness for employment, specifying if necessary the kind of employment for which he is fit [or his certificate whether (or to what extent) the incapacity of the said is due to the accident] [or his certificate as to the condition of the said and his fitness for employment, specifying if necessary the kind of employment for which he is fit, and as to whether (or to what extent) the incapacity of the said..... is due to the accident].

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

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

I am satisfied that the said is in a fit condition to travel for the purpose of being examined, and he has been directed to attend on the referee for examination at such time and place as may be fixed by the referee.

(or the said does not appear to be in a fit condition to travel for the purpose of being examined).

The referee is requested to forward his certificate to the Registrar at the Supreme Court, Registry, Hall of Justice, Port-of-Spain, on or before the day of20.....

Dated thisday of20.....

.....
Registrar.

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

FORM 3

(Rule 5).

**Order on Injured Workman to submit himself for Examination by
Medical Referee**

(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 Minister for the purpose of the Workmen's Compensation Act 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 and to attend for that purpose at such time and place as may be fixed by him.

Dated thisday of20.....

.....
Registrar.

FORM 4

(Rule 6).

Notice to Parties of Certificate of Medical Referee

(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 situated at the Registry, Supreme Court, in Port-of-Spain, and may on request and at your own costs be furnished with or take a copy thereof.

Dated thisday of 20.....

.....
Registrar.

60 **Chap. 88:05** *Workmen's Compensation*
[Subsidiary] *Medical Referees Rules of Court*

(Rule 7).

FORM 5

Request for Entry of Appeal

(Heading as in application)

To the Registrar,

Workmen's Compensation Act.

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

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

I request you to enter my appeal for hearing.

The name and address of the respondent are:

My address for service is:

Dated thisday of20.....

.....
Appellant.

(Rule 8).

FORM 6

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

(Heading as in application)

Take Notice that the appeal in this matter from the order of the Registrar dated the day of, 20....., referring the matter to a medical referee, will be heard by a Commissioner on the day of, 20....., at the hour of..... in the forenoon at the Court House, Port-of-Spain, (San Fernando) and that if you do not attend at the time and place above-mentioned such order will be made as the Commissioner thinks just.

Dated thisday of, 20

.....
Registrar.

Workmen's Compensation Act

**WORKMEN'S COMPENSATION (APPEALS)
RULES OF COURT**

ARRANGEMENT OF RULES

RULE

1. Citation.
2. Interpretation.

APPLICATIONS FOR LEAVE TO APPEAL

3. Application for leave.
4. Service of notice of motion.

APPEALS

5. Contents of notice.
6. Entry of notice. Parties to be served.
7. Application for notes of evidence etc.
8. Copy of notes.
9. Appeal not to stay proceedings.
10. Extension of time etc.
11. Drawing up and filing of decision.

[Subsidiary]

**WORKMEN'S COMPENSATION (APPEALS)
RULES OF COURT**

**deemed to be made under section 49*

Citation. **1.** These Rules may be cited as the Workmen's Compensation (Appeals) Rules of Court.

Interpretation. **2.** In these Rules—
“Form” means the form in the Appendix to these Rules;
“Section” means a section of the Act;
“The Registrar” means the Registrar of the Supreme Court;
“Commissioner” means a Commissioner for workmen's compensation.

APPLICATIONS FOR LEAVE TO APPEAL

Application for leave. **3.** (1) Applications to the Court of Appeal for leave to appeal shall be by notice of motion, which shall set out the point or points of law involved in the appeal.

(2) The notice of motion shall be supported by an affidavit of such facts as it may be necessary to state to enable the Court of Appeal to decide the question before it.

Service of notice of motion. **4.** The notice of motion shall be entered at the Registrar's Office within eight days from the date of the decision or order complained of, and shall be served together with the affidavit in support on every party affected thereby at least eight days before the date of hearing set out in the notice of motion.

APPEALS

Contents of notice. **5.** Every appeal shall be by notice of motion, which shall set out the point or points of law involved in the appeal, and shall state whether all or part only of the decision or order is complained of.

*The Rules were made under section 35 of the Workman's Compensation Ordinance (Ch.22 No. 14—1950 Ed.) (now repealed) and continue in force by virtue of section 29(3) of the Interpretation Act (Ch. 3:01).

6. The notice of motion shall be entered in the Registrar's Office—

Entry of notice.
Parties to be served.

- (a) in cases where the Commissioner grants his certificate under section 43(2) of the Act, or where the party appeals as of right, within 14 days from the date of the decision or order complained of; and
- (b) in cases where leave is granted by the Court of Appeal, within three days from the date when the judgment of the Court of Appeal is given,

and shall be served on every party affected thereby at least 14 days before the date of the hearing set out in the notice of motion.

7. It shall be the duty of the Registrar forthwith upon the entry of the appeal to apply in the Form on behalf of the Court of Appeal to the Commissioner for a copy of the notes of evidence given and the record of the proceedings of the matter, and for a statement of his judgment or finding on any question of law under appeal.

Application for notes of evidence etc.

8. Any party shall be entitled, on payment of the proper fee, to obtain from the Registrar an office copy of such notes, record and statement.

Copy of notes.

9. An appeal shall not operate as a stay of execution or of proceedings under the decision or order appealed from except so far as a Judge or the Court of Appeal may order.

Appeal not to stay proceedings.

10. The Court of Appeal shall have power to extend the time for appealing or to amend the notice of motion or to make any other order, on such terms as the Court shall think just, to ensure the determination on the merits of the real questions in controversy between the parties.

Extension of time etc.

11. All decisions given by the Court of Appeal shall, unless the Court of Appeal otherwise directs, be drawn up by the Registrar and shall be filed by the successful party or by such other party as the Court of Appeal directs, within seven days from the date thereof.

Drawing up and filing of decision.

APPENDIX

FORM

IN THE SUPREME COURT OF TRINIDAD AND TOBAGO

Appellate Jurisdiction

No. 20.....

IN THE MATTER OF THE WORKMEN'S COMPENSATION ACT

Between

..... Appellant.

and

..... Respondent.

TO THE COMMISSIONER.

You are hereby notified that a notice of appeal in the above-named matter has been filed on the day of, 20....., under section 43, and the same will be heard on Tuesday the..... day of, 20

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

Dated the..... day of, 20.....

Registrar.

**WORKMEN'S COMPENSATION (MEDICAL REFEREES)
REGULATIONS**

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Interpretation.
3. Essentials of reference.
4. Date for examination.
5. Quarterly statement of fees.
6. Mileage allowance.
7. Record of references.
8. Fixing time or place of examination.
9. Nature of examination.
10. Form of certificate.
11. Certificate for Registrar.
12. Fees.

SCHEDULE.

[Subsidiary]

116/1946.
[51/1980
174/1983].

**WORKMEN'S COMPENSATION (MEDICAL REFEREES)
REGULATIONS**

**deemed to be made under section 50*

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

Interpretation. **2.** In these Regulations—
“medical referee” means a member of the Medical Board of Trinidad and Tobago appointed by the Minister to act as medical referee for the purposes of the Act;
“reference” means the appointment of a medical referee to give a certificate in pursuance of section 13 of the Act.

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

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

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

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

*These Regulations were made under section 36 of the Workmen's Compensation Ordinance (Ch. 22 No. 14—1950 Ed.) (now repealed) and continue in force by virtue of section 29(3) of the Interpretation Act (Ch. 3:01).

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

Record of references.

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

Fixing time or place of examination.

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

Nature of examination.

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

Form of certificate.

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

Certificate for Registrar.

12. The following shall be paid to a medical referee in relation to a reference, the following fees—

Fees.

- (a) for examination of the injured workman, issue of a certificate and all other duties performed in connection with the reference, a fee of eighty dollars;
- (b) where a medical referee is compelled to travel more than three kilometres from his residence (or such other centre as may be prescribed by the Minister) a fee of thirty-one cents in the case of a light car, for each kilometre beyond three kilometres from such residence or centre.

SCHEDULE

FORM A

**Notice by Medical Referee to Workman or Attorney-at-law acting on
Workman's behalf in case of a Reference under section 13 of the Act**

WORKMEN'S COMPENSATION ACT

To

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

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

Any statements made or submitted by you (*or, if notice is addressed to the Attorney-at-law, by the workman*) will be considered.

Dated this day of.....

(Signed)
Medical Referee.

FORM B

**Notice by Medical Referee to Employer or Attorney-at-law acting on
Employer's behalf in case of a Reference under section 13 of the Act**

WORKMEN'S COMPENSATION ACT

To

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

Any statements made or submitted by you [*or, if notice is addressed to the Attorney-at-law, by the employer*] will be considered.

Dated this day of.....

(Signed)
Medical Referee.

FORM C

Certificate of Medical Referee under section 13 of the Act

WORKMEN'S COMPENSATION ACT

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

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

2. The incapacity of the said [*name of workman*].
[*State whether the incapacity has ceased or to what extent, if any, the incapacity is due to the accident*].

Dated thisday of

(Signed)
Medical Referee.

Footnotes.

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

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

FORM D

Medical Referee's Statement of Fees in respect of Reference under section 13 of the Workmen's Compensation Act

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

(Signed)

Date *Medical Referee.*

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

Indorsement to be made on back of statement.

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

(Signed)

FORM E

Record of References and Summonses to be kept by Registrar

Court holden at, Name of Registrar.

Record for the Quarter ended.

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

WORKMEN'S COMPENSATION REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

PRELIMINARY

1. Short title.
2. Definitions.

PART I

REVIEW OF HALF-MONTHLY PAYMENTS AND COMMUTATION THEREOF

3. When application may be made without medical certificate.
4. Procedure on application for review.
5. Procedure on application for commutation.

PART II

DEPOSIT OF COMPENSATION

6. Deposit under section 9(1) of the Act.
7. Publication of lists of deposits.
8. Procedure where no compensation deposited.
9. Deposit under section 9(2) and (3) of the Act.
10. Manner in which compensation may be invested under section 9 of the Act.

PART III

INQUIRY BY EMPLOYER

11. Right of employer to present memorandum when notice given.

PART IV

MEDICAL EXAMINATION

12. Workman to submit to examination only in accordance with rules.
13. Examination when workman and medical practitioner both on premises.
14. Examination in other cases.
15. Restriction on number of examinations.
16. Examination after suspension of right to compensation.

REGULATION

PART V

PROCEDURE

17. Applications.
18. Examination of applicant.
19. Summary dismissal of application.
20. Preliminary inquiry into application.
21. Notice to opposite party.
22. Statement to be filed by respondent.
23. Procedure where indemnity claimed under section 14(2) of the Act.
Notice to third party.
24. Procedure where claim admitted.
25. Failure of respondent or third party to file statement.
26. Date and Place of hearing.
27. Non-appearance of applicant.
28. Absence of respondent or third party.
29. Record of proceedings.
30. Orders.
31. Right of entry for local inspection.
32. Procedure in connection with local inspection.
33. Procedure in connected cases.
34. Summoning of witnesses.
35. Exemption from payment of costs.
36. Filing and service of documents.
37. Application of Supreme Court Rules.
38. Apportionment of compensation among dependants.

PART VI

RECORD OF MEMORANDA OF AGREEMENT

39. Form of memorandum.
40. Procedure where Commissioner does not consider that he should refuse to record memorandum.
41. Procedure where Commissioner considers he should refuse to record memorandum.
42. Procedure on refusal to record memorandum.

ARRANGEMENT OF REGULATIONS—*Continued*

REGULATION

- 43. Registration of memorandum accepted for record.
- 44. Registration of orders.

PART VII

DUTIES OF REGISTRAR

- 45. All documents to be dated.
- 46. Cause Book.
- 47. Registers to be kept.
- 48. Indexes of applications.
- 49. Searches.
- 50. Inspection of documents etc.

PART VIII

COSTS

- 51. Costs.

PART IX

FEEES

- 52. Fees.

PART X

FORMS

- 53. Forms.

APPENDIX.

WORKMEN'S COMPENSATION REGULATIONS

G 16.12.28.
5.3.32.

**deemed to be made under section 50*

PRELIMINARY

1. These Regulations may be called the Workmen's Compensation Regulations. Short title.

2. In these Regulations— Definitions.

“Form” means a form in the Appendix;

“Registrar” means the Registrar of the Supreme Court and includes the Deputy Registrar and the Sub-Registrars of San Fernando and Tobago.

PART I

**REVIEW OF HALF-MONTHLY PAYMENTS AND
COMMUTATION THEREOF**

3. Application in Form A for review of a half-monthly payment under section 7 of the Act may be made without being accompanied by a medical certificate— When application may be made without medical certificate. Form A.

- (a) by the employer, on the ground that since the right to compensation was determined the workman's wages have increased;
- (b) by the workman, on the ground that since the right to compensation was determined his wages have diminished;
- (c) by the workman, on the ground that the employer, having commenced to pay compensation, has ceased to pay the same, notwithstanding the fact that there has been no change in the workman's condition such as to warrant such cessation;
- (d) by the workman, on the ground that he has ceased, since the right to compensation was determined, to be a minor;

*These Regulations were made under section 36 of the Workmen's Compensation Ordinance (Ch. 22 No.14—1950 Ed.) (now repealed) and continue in force by virtue of section 29(3) of the Interpretation Act (Ch. 3:01).

(e) either by the employer or by the workman, on the ground that the determination of the rate of compensation for the time being in force was obtained by fraud or undue influence or other improper means.

Procedure on application for review.

4. If, on examining an application for review by an employer in which the reduction or discontinuance of half-monthly payments is sought, it appears to the Commissioner that there is reasonable ground for believing that the employer has a right to such reduction or discontinuance, he may at any time issue an order withholding the half-monthly payments in whole or in part pending his decision on the application.

Procedure on application for commutation.

5. (1) Where application is made to the Commissioner under section 8 of the Act for the redemption of a right to receive half-monthly payments by the payment of a lump sum, the Commissioner shall form an estimate of the probable duration of the disablement, and shall award a sum equivalent to the total of the half-monthly payments which would be payable for the period during which he estimates that the disablement will continue, less one half per cent of that total for each month comprised in that period.

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

PART II

DEPOSIT OF COMPENSATION

Deposit under section 9(1) of the Act.
Form B.
Form C.

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

(2) If, in the statement above referred to, the employer indicates that he desires to be made a party to the distribution

proceedings, the Commissioner shall, before allotting the sum deposited as compensation, afford to the employer an opportunity of establishing that the person to whom he proposes to allot such sum is not a dependant of the deceased workman, or as the case may be, that no one of such persons is a dependant.

(3) The statement of disbursements to be furnished on application by the employer under section 9(6) of the Act shall be in Form D. Form D.

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

8. (1) Where a dependant of a deceased workman claims that compensation is payable in respect of the death of the workman, and no compensation has been deposited in accordance with section 9(1) of the Act in respect thereof, the dependant may apply to the Commissioner for the issue of an order requiring the employer to deposit compensation in accordance with the said subsection; but no such application shall be entertained, unless the applicant certifies therein that he has requested the employer to deposit compensation and that the employer has refused or omitted to do so. Procedure where no compensation deposited.

(2) The Commissioner shall dispose of such application in accordance with the provisions of Part V of these Regulations. Part V.
However—

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

the application on the date specified in the notice shall not be permitted thereafter to claim that the employer is liable to deposit compensation, unless he satisfies the Commissioner that he was prevented by any sufficient cause from appearing when the case was called on for hearing.

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

Deposit under section 9(2) and (3) of the Act.
Form E.
Form F.

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

Manner in which compensation may be invested under section 9 of the Act..

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

PART III

INQUIRY BY EMPLOYER

Right of employer to present memorandum when notice given.

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

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

PART IV

MEDICAL EXAMINATION

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

Workman to submit to examination only in accordance with rules.

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

Examination when workman and medical practitioner both on premises.

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

Examination in other cases.

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

Provided that—

- (i) the time so specified shall not, save with the express consent of the workman, be between the hours of 7.00 p.m. and 6.00 a.m.; and
- (ii) in cases where the workman's condition renders it impossible or inadvisable that he should leave the place where he is residing for the time being, he shall not be required to submit himself for medical examination save at such place.

Restriction on number of examinations.

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

Examination after suspension of right to compensation.

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

PART V

PROCEDURE

Application.

17. Any application of the nature referred to in section 32 of the Act may be sent to the Registrar by registered post or may be presented to him or to any Magistrate, and, if so sent or presented, shall, unless the Commissioner otherwise directs, be made in Form G, H, or J, as the case may be, and shall be signed by the applicant. Every application presented to a Magistrate shall be forwarded to the Registrar by such Magistrate forthwith.

Examination of applicant.

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

(2) The substance of any examination made under this regulation shall be recorded in the manner provided for the recording of evidence in section 37 of the Act.

Summary dismissal of application.

19. The Registrar shall refer the application and the record of the substance of any examination of the applicant under regulation 18 to the Commissioner, who, after considering the same, may summarily dismiss the application if, for reasons to be recorded, the Commissioner is of opinion that there are no

sufficient grounds for proceeding thereon; and the Registrar shall forthwith notify the applicant or the legal practitioner or other person acting on behalf of the applicant of such summary dismissal of the application by the Commissioner.

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

Preliminary inquiry into application.

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

Notice to opposite party.

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

Statement to be filed by respondent.

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

Procedure where indemnity claimed under section 14(2) of the Act. Notice to third party.

Form K.

Procedure where claim admitted.

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

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

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

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

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

Failure of respondent or third party to file statement.

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

Date and Place of hearing.

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

Form L.

Non-appearance of applicant.

27. If, on the day of hearing or at any adjournment of the case, the applicant does not appear, the case shall be dismissed, unless the Commissioner having received a reasonable excuse for the non-appearance of the applicant, or for other sufficient reason, thinks fit to adjourn the hearing to some future day upon such terms as to costs as the Commissioner may think just.

28. If, on the day of hearing or at any adjournment of the case, the respondent or third party does not appear, the Court may proceed to hear the case in his absence, unless the Commissioner, having received a reasonable excuse for his absence, or for other sufficient reason, thinks fit to adjourn the hearing to some future day upon such terms as to costs as the Commissioner may think fit.

Absence of respondent or third party.

29. There shall be recorded in every proceeding a note of the steps taken on the application.

Record of proceedings.

30. (1) The Commissioner, in making orders, shall record concisely his finding and his reasons for such finding.

Orders.

(2) The Commissioner, at the time of signing and dating his order, shall pronounce his decision, and thereafter no addition or alteration shall be made to the order other than the correction of a clerical or arithmetical mistake arising from any accidental slip or omission.

(3) Orders shall be in one of the forms in Form M, with any necessary variation.

Form M.

31. A Commissioner before whom any proceeding relating to an injury by accident is pending may at any time enter the place where the workman was injured or where the workman ordinarily performed his work, for the purpose of making a local inspection or of examining any persons likely to be able to give information relevant to the proceedings; but the Commissioner shall not enter any premises of any industrial establishment except during the ordinary working hours of that establishment, save with the permission of the employer or of some person directly responsible to him for the management of the establishment.

Right of entry for local inspection.

32. (1) If the Commissioner proposes to conduct a local inspection with a view to examining on the spot the circumstances in which an accident took place, he shall give the parties or their representatives notice of his intention to conduct such inspection, unless in his opinion the urgency of the case renders the giving of such notice impracticable.

Procedure in connection with local inspection.

(2) Such notice may be given orally or in writing and, in the case of an employer, may be given to any person upon whom notice of a claim can be served under section 11(2) of the Act or to the representative of any such person.

(3) Any party, or the representative of any party, may accompany the Commissioner at a local inspection.

Procedure in connected cases.

33. Where two or more cases pending before a Commissioner arise out of the same accident, and any issue involved is common to two or more such cases, such cases may, so far as the evidence bearing on such issue is concerned, be taken together.

Summoning of witnesses.

34. If an application is presented by any party to the proceedings for the citation of witnesses, the Registrar shall, on payment of the prescribed expenses and fees, issue summonses for the appearance of such witnesses, unless the Commissioner considers that their appearance is not necessary for the just decision of the case.

Exemption from payment of costs.

35. If the Registrar is satisfied that the applicant is unable, by reason of poverty, to pay the prescribed fees, he may remit any or all of such fees. If the case is decided in favour of the applicant, the prescribed fees which, had they not been remitted, would have been due to be paid, may be added to the costs of the case and recovered in such manner as the Commissioner in his order regarding costs may direct.

Filing and service of documents.

36. (1) Where any document is to be filed with the Registrar under these Regulations, that document may be so filed by delivering it at the office of the Registrar or by sending it by post addressed to the Registrar at his office.

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

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

- (a) upon the State, by service upon the Head of the Department in which the applicant was employed at the time of the accident, or by leaving it at the office of such Head of Department;
- (b) upon an individual, by service upon him personally or by leaving it at his last known place of abode or business;
- (c) upon a Municipal Corporation, by service on the Chief Executive Officer or by leaving it at his office;
- (d) upon a corporate body, by service on the Secretary or by leaving it at the registered office of such corporate body;
- (e) upon a Club, by service on the Secretary or any member of the Managing Committee;
- (f) upon the master of a ship or a person belonging to a ship, by service on such master or person or by leaving the document for such master or person on board the ship with the person being or appearing to be in command or charge of the ship, or where no such person can be found, by affixing a copy of the document to the mast of the ship.

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

Form N.

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

Application of
Supreme Court
Rules.

Apportionment of compensation among dependants.

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

PART VI

RECORD OF MEMORANDA OF AGREEMENT

Form of memorandum.

39. Memoranda of Agreement sent to the Registrar under section 40(1) of the Act shall, unless the Commissioner otherwise directs, be in duplicate, and shall be in as close conformity as the circumstances of the case admit with Form O or Form P or Form Q as the case may be.

Form O.
Form P.
Form Q.

Procedure where Commissioner does not consider that he should refuse to record memorandum.

40. (1) On receiving a memorandum of agreement the Registrar shall refer the same to the Commissioner who, unless he considers that there are grounds for refusing to record the same, shall direct the Registrar to fix a day for recording the same, and the Registrar shall accordingly issue a notice in writing in Form R to the parties concerned that in default of objections the Commissioner proposes to record the memorandum on the day so fixed; but the notice may be communicated orally to any parties who are present at the time when notice in writing would otherwise issue.

Form R.

(2) On the date so fixed the Commissioner shall direct the Registrar to record the memorandum unless, after hearing any of the parties who appear and desire to be heard, he considers that it ought not to be recorded. However, the issue of a notice under subregulation (1) shall not be deemed to prevent the Commissioner from refusing to record the memorandum on the date so fixed even if no objection be made by any party concerned.

(3) If on such date the Commissioner decides that the memorandum ought not to be recorded, he shall inform the parties present of his decision and of the reasons therefor, and, if any party desiring the memorandum to be recorded is not present, the Registrar shall send information to that party in Form S.

Form S.

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

Procedure where Commissioner considers he should refuse to record memorandum.

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

Form T.
Form U.

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

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

Form S.

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

Procedure on refusal to record memorandum.

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

(3) Where the agreement is for the redemption of half-monthly payments by the payment of a lump sum, and the

Commissioner considers that the memorandum of agreement should not be recorded by reason of the inadequacy of the amount of such sum as fixed in the agreement, he shall record his estimate of the probable duration of the disablement of the workman.

Registration of memorandum accepted for record. Form V.

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

“This memorandum of agreement bearing Serial No.of 20....., in the Register of Agreements has been recorded thisday of 20.....
(Signature)
Registrar”.

Registration of orders.

Form W.

44. In recording an order of the Commissioner under section 39 of the Act directing the payment of compensation or the variation of the amount or rate of compensation previously ordered or settled by agreement, the Registrar shall cause such order to be entered in a register in the Form W, and shall cause an indorsement to be made under his signature on a copy of the order to be retained by him in the following terms:

“This order bearing Serial No. of 20..... in the Register of orders has been recorded in such register thisday of 20.....
(Signature).....
Registrar”.

PART VII

DUTIES OF REGISTRAR

All documents to be dated.

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

Cause Book.

46. The Registrar shall enter all proceedings hereafter to be commenced in a Cause Book, the form of which shall be prescribed by a Commissioner; any entry made therein shall be examined with the original document the day after such entry is made, and such entry shall be evidence of the document having been filed.

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

Registers to be kept.

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

Indexes of applications.

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

Searches.

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

Inspection of documents etc.

PART VIII

COSTS

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

Costs.

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

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

PART IX

***FEES**

Fees.
[51/1980].

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

	\$
I—Applications for compensation	
(a) Where compensation is claimed in the form of recurring payments... ..	2.00
(b) Where compensation is claimed in the form of a lump sum	\$2.00 where the sum does not exceed \$500, plus \$2.00 for each additional sum of \$500 or fraction thereof.
II—Applications for commutation	
(a) By agreement between the parties	2.00
(b) In all other cases.....	5.00
III—Applications for the deposit of compensation—	
(a) Under section 9(1) of the Act	Nil
(b) In all other cases, in respect of each person to whom compensation is payable	2.00
IV—Applications for distribution by dependants, for each dependant	2.00
V—Applications for review	
(a) Where the review claimed is the continuance, increase, decrease or ending of half-monthly payments	2.00
(b) Where the half-monthly payments are sought to be converted into a lump sum	5.00
(c) In all other cases	2.00
VI—Applications for the registration of agreements:	
(a) Where the application or the memorandum of agreement is signed by both parties	Nil
(b) In other cases	2.00
VII—Applications to summon witnesses	
For every witness50

* See section 3 of the Stamp Duty (Special Provisions) Act. (Ch. 76:03).

Workmen's Compensation

Chap. 88:05

91

Workmen's Compensation Regulations

[Subsidiary]

VIII — Applications for indemnification	10.00
IX — Applications for the recovery of compensation—	
(a) Under an order already made by the Commissioner	1.00
(b) In all other cases	The same fee as is payable on a similar application for compensation.
X — All applications not otherwise provided for ...	1.00
XI — For service of any notice or process15
XII — For search in Indexes of titles of applications filed	.50
XIII — For search in Cause Books or Registers and issuing certificate of result of search under the hand of the Registrar	1.00
XIV — For inspecting file of documents or proceedings...	.50

PART X

FORMS

53. Where the forms in the Appendix are not applicable, forms ^{Forms.} of the like character, with such variations as the circumstances may require, may be used in proceedings under the Act.

Regulation 3.

APPENDIX

FORM A

Application for Review of half-monthly Payment

To the Commissioner for Workmen's Compensation,

..... residing at

....., applicant

versus

..... residing at

....., respondent

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

Particulars are hereto appended.

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. Amount of half-monthly payment, and date from which it commenced.
5. Relief sought by applicant, whether termination, diminution, increase or redemption.
6. Grounds of application.

Dated this day of 20.....

(Signed)

Applicant.

FORM B

Regulation 6.

Deposit of Compensation for Fatal Accident

(SECTION 9(1) OF THE WORKMEN'S COMPENSATION ACT)

Compensation amounting to \$..... is hereby presented for deposit in respect of injuries resulting in the death of residing at which occurred on20 His monthly wages are estimated at He was over/under the age of 17 years at the time of his death.

The said workman had, prior to the date of his death, received the following payments, namely:
amounting in all to

Employer.

Dated the 20.....

I desire to be made a party to the proceedings for distribution of the aforesaid compensation.

(To be added if desired).

Employer.

FORM C

Regulation 6.

Receipt for Compensation

(DEPOSITED UNDER SECTION 9(1) OF THE WORKMEN'S COMPENSATION ACT)

Book No. Receipt No. Register No.

Depositor

Deceased workman

Date of deposit 20.....

Sum deposited \$.....

Registrar.

Regulation 6.

FORM D

Statement of Disbursements

(SECTION 9(6) OF THE WORKMEN'S COMPENSATION ACT)

Serial No.

Depositor

Amount deposited \$.....

Date \$.....

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

Dated 20.....

Registrar.

Regulation 9.

FORM E

Deposit of Compensation for Non-fatal Accidents

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

Compensation amounting to \$ is hereby presented for deposit in respect of permanent/temporary injuries sustained by residing at which occurred on 20

Employer.

Dated 20.....

Workmen's Compensation

Chap. 88:05

95

Workmen's Compensation Regulations

[Subsidiary]

FORM F

Regulation 9.

Receipt for Compensation

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

Book No. Receipt No. Register No.

Depositor

In favour of

Date of deposit20.....

Sum deposited \$.....

Registrar.

FORM G

Regulation 17.

Application for Compensation by Workman

To the Commissioner for Workmen's Compensation,

..... residing at

....., applicant

versus

..... residing at

....., respondent

It is hereby submitted that—

(1) the applicant, a workman employed by (a contractor with) the respondent on the day of 20....., received personal injury by accident arising out of and in the course of his employment.

The cause of the injury was [*here insert briefly in ordinary language the cause of the injury*].

(2) the applicant sustained the following injuries, namely:

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

the applicant is over/under the age of 17 years.

* (4) (a) Notice of the accident was served on the day of 20

(b) Notice was served as soon as practicable.

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

*Strike out the clauses which are not applicable.

FORM G—Continued

***(5)** the applicant is accordingly entitled to receive

(a) half-monthly payments of \$.....from the day of
20, to20

(b) a lump sum payment of \$.....

(6) the applicant has taken the following steps to secure a settlement by agreement, namely

but it has proved impossible to settle the questions in dispute because

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

(a) whether the applicant is a workman within the meaning of the Act,

(b) whether the accident arose out of or in the course of the applicant's employment,

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

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

(e) etc. (as required).

Dated the 20.....

Applicant.

*Strike out the clauses which are not applicable.

To..... of

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

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

Dated this day of 20.....

Registrar.

FORM H

Regulation 17.

Application for Compensation by Dependants

To the Commissioner for Workmen's Compensation,

..... residing at

....., applicant

versus

..... residing at

....., respondent.

It is hereby submitted that—

(1), a workman employed by (a contractor with) the respondent on the.....day of, 20....., received personal injury by accident arising out of and in the course of his employment resulting in his death on theday of....., 20..... The cause of the injury was *[here insert briefly in ordinary language the cause of the injury]*.

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

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

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

* (4) (a) Notice of the accident was served on the day of 20

(b) Notice was served as soon as practicable.

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

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

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

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

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

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

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

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

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

*Strike out the clauses which are not applicable.

- (e) whether the applicant(s) is a/are dependant(s) of the deceased,
- (f) how the compensation, when deposited, should be distributed,
- (g) etc. (as required).

Dated the

Applicant.

To.....of

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

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

Dated this day of, 20.....

Registrar.

Regulation 17.

FORM J

Application for Commutation

(UNDER SECTION 8 OF THE WORKMEN'S COMPENSATION ACT)

To the Commissioner for Workmen's Compensation,

..... residing at
....., applicant

versus

..... residing at
....., respondent.

It is hereby submitted that—

- (1) The applicant /respondent has been in receipt of half-monthly payments from..... toin respect of temporary disablement by accident arising out of and in the course of his employment.
- (2) The applicant is desirous that the right to receive half-monthly payments should be redeemed.
- (3) (a) The respondent is unwilling to agree to the redemption of the right to receive half-monthly payments.
(b) The parties have been unable to agree regarding the sum for which the right to receive half-monthly payments should be redeemed.

Workmen's Compensation

Chap. 88:05

99

Workmen's Compensation Regulations

[Subsidiary]

You are therefore requested to make an order—

- (a) directing that the right to receive half-monthly payments should be redeemed.
- (b) fixing a sum for the redemption of the right to receive half-monthly payments.

Dated

Applicant.

FORM K

Regulation 23.

Notice

Whereas a claim for compensation has been made to the Commissioner for Workmen's Compensation by applicant, against, and the said has claimed that you are liable under section 14(2) of the Workmen's Compensation Act, to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim, you are hereby informed that you may appear before the Commissioner for Workmen's Compensation ato'clock on the day of 20....., at and contest the claim for compensation made by the said applicant or the claim for indemnity made by the respondent. In default of your appearance you will be deemed to admit the validity of any award made against the respondent and your liability to indemnify the respondent for any compensation recovered from him.

Registrar.

Dated.....20.....

To of

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

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

Dated this.....day of 20.....

Commissioner.

UNOFFICIAL VERSION

L.R.O.

UPDATED TO DECEMBER 31ST 2015

Regulation 26.

FORM L

Notice to Applicant of day upon which Hearing will be proceeded with
(THE WORKMEN'S COMPENSATION ACT)

..... residing at
....., applicant

versus

..... residing at
....., respondent.

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

Dated thisday of 20.....

To of

Registrar for Workmen's Compensation.

Notice to Respondent of day upon which Hearing will be proceeded with
(THE WORKMEN'S COMPENSATION ACT)

..... residing at
....., applicant

versus

..... residing at
....., respondent.

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

Dated thisday of, 20.....

To.....of

Registrar for Workmen's Compensation.

FORM M

Regulation 30.

Order

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

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

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

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

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

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

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

Dated thisday of, 20

Registrar for Workmen's Compensation.

(ii) In case of application by Dependants.

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

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

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

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

FORM M—Continued

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

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

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

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

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

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

Dated this day of , 20.....

Registrar for Workmen's Compensation.

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

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

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

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

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

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

Dated this day of , 20.....

Registrar for Workmen's Compensation.

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

Workmen's Compensation

Chap. 88:05

103

Workmen's Compensation Regulations

[Subsidiary]

FORM N

Regulation 36.

(THE WORKMEN'S COMPENSATION ACT)

**Return of Service of Process from the Commissioner for Workmen's
Compensation**

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

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

(Signed)

Deponent.

Sworn before me by the above-named deponent..... this
day of, 20

(Signed)

Magistrate (or Justice).

Regulation 39.

FORM O

Memorandum of Agreement

It is hereby submitted that on the day of 20, personal injury was caused to, residing at, by accident arising out of and in the course of employment in, The said injury has resulted in temporary disablement to the said workman whereby it is estimated that he will be prevented from earning more of his previous wages for a period of
any

months. The said workman has been in receipt of half-monthly payments which have continued from the day of 20....., until the day of 20....., amounting to \$..... in all. The said workman's monthly wages are estimated as \$..... The workman is over the age of 17 years will reach the age of 17 years on

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

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

Dated
Signature of employer
Witness
Signature of workman
Witness

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

Receipt (to be filled in when the money has actually been paid).
In accordance with the above agreement, I have this day received the sum of \$.....

Workman.

Dated 20.....
The money has been paid and this receipt signed in my presence.

Witness.

FORM P

Regulation 39.

Memorandum of Agreement

It is hereby submitted that on the..... day of 20....., personal injury was caused to , residing at by accident arising out of and in the course of his employment in The said injury has resulted in permanent disablement to the said workman of the following nature, namely:

The said workman's monthly wages are estimated at \$..... The workman is over the age of 17 years on The said workman will reach the age of 17 years

has, prior to the date of this agreement, received the following payments, namely:

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

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

Dated

Signature of employer

Witness

Signature of workman

Witness.....

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

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

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



Workman.

Dated 20

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

Witness.

Regulation 39.

FORM Q

Memorandum of Agreement

It is hereby submitted that on the..... day of 20....., personal injury was caused to , residing at , by accident arising out of and in the course of employment in The said injury has resulted in temporary disablement to the said workman, who is at present in receipt of wages amounting to \$.....per month. The said workman's monthly wages

no wages

prior to the accident are estimated at \$ The workman is subject to a legal disability by reason of

It is further submitted thatthe employer of the workman has agreed to pay and on behalf of the said workman has agreed to accept half-monthly payments at the rate of \$ for the period of the said temporary disablement. This agreement is subject to the condition that the amount of the half-monthly payments may be varied in accordance with the provisions of the said Act on account of an alteration in the earnings of the said workman during disablement.

It is further stipulated that all rights of commutation under section 8 of the said Act are unaffected by this agreement. It is therefore requested that this memorandum be duly recorded.

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

Dated
Signature of employer
Witness
Signature of workman
Witness.....

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

Receipt (to be filled in when the money has actually been paid).
In accordance with the above agreement, I have this day received the sum of \$.....

Workman.

Dated20
The money has been paid and this receipt signed in my presence.
Witness.

FORM R

Regulation 40.

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

And whereas has/have applied to the Commissioner for Workmen's Compensation for registration of the agreement under section 40 of the Workmen's Compensation Act, notice is hereby given that the said agreement will be taken into consideration by the Commissioner at o'clock on the day of, 20....., at and that any objections to the registration of the said agreement should be made on the date and at the place aforesaid. In the absence of valid objections, it is the Commissioner's intention to proceed to the registration of the agreement.

Registrar.

Dated 20.....

FORM S

Regulations 40
and 41.

Take notice that registration of the agreement to pay compensation said to have been reached between you and on the, 20....., has been refused by the Commissioner for Workmen's Compensation for the following reasons, namely:

Registrar.

Dated 20

FORM T

Regulation 41.

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

And whereas has/have applied to the Commissioner for Workmen's Compensation for registration of the agreement under section 40 of the Workmen's Compensation Act and whereas it appears to the Commissioner that the said agreement ought not to be registered for the following reasons, namely:

..... an opportunity will be afforded to you of showing cause at o'clock on the day of, 20, at why the said agreement should be registered. If no adequate cause is shown on that date, registration of the agreement will be refused.

Registrar.

Dated....., 20.....

Regulation 41.

FORM U

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

And whereas has/ have applied to the Commissioner for Workmen's Compensation for registration of the agreement under section 40 of the Workmen's Compensation Act. And whereas it appears to the Commissioner that the said agreement ought not to be registered for the following reasons, namely:

..... an opportunity will be afforded to the said of showing cause at o'clock on the day of 20....., why the said agreement should be registered. Any representation which you have to make with regard to the said agreement should be made on that date. If adequate cause is then shown, the agreement may be registered.

Registrar.

Dated 20

Regulation 43.

FORM V
Register of Agreements for the year 20

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

Regulation 44.

FORM W

Register of Orders for the year 20

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