

Workmen's Compensation Rules.

THE CONSOLIDATED WORKMEN'S COMPENSATION (NORTHERN IRELAND) RULES. DATED 11TH FEBRUARY, 1929.

1929. No. 11.

WHEREAS by an Act, 40 and 41 Vic. c. 56, intituled "The County Officers and Courts (Ireland) Act, 1877," Sec. 79, it is enacted that the Lord Chancellor, with the concurrence of the County Court Judges and Chairmen of Quarter Sessions in Ireland, or any five of them, to be selected or nominated as in the said Act is provided, may make rules and orders for regulating the proceedings in and practice of the Civil Bill Courts in Ireland, and for prescribing the forms of proceedings, and for the several other purposes in the said Act mentioned, and otherwise for carrying the said Act into execution, and may from time to time amend such rules, orders and forms, and that every such rule, order and form certified under the hands of the Lord Chancellor, and any five of such Judges and Chairmen, shall take effect from and after such day as shall be therein named :

And whereas under and in pursuance of the provisions of the Government of Ireland Act, 1920, and the Orders made by His Majesty in Council thereunder, the references in the said Section to the Lord Chancellor shall be construed as references to the Lord Chief Justice of Northern Ireland :

And whereas by the County Officers and Courts Act (Northern Ireland), 1925, Section 10, the concurrence required in connection with the making by the Lord Chief Justice of Northern Ireland of Rules or Orders under Section seventy-nine of the County Officers and Courts (Ireland) Act, 1877, shall be the concurrence of the Chairmen within the meaning of the said Act, or any two of them, to be nominated by the said Lord Chief Justice :

And whereas the Lord Chief Justice of Northern Ireland duly nominated His Honour HERBERT THOMPSON, Recorder of Belfast and County Court Judge and Chairman of Antrim, and His Honour ARTHUR HENRY BATES, County Court Judge and Chairman of the County of Down, as the chairmen with whose concurrence such rules and orders may be made in pursuance of the provisions of the said Act :

And whereas by an Act, 17 and 18 Geo. 5, c. 16, s. 27, intituled "The Workmen's Compensation Act (Northern Ireland), 1927," it is provided that the duty of a County Court Judge under the Act shall, subject to Rules of Court, be part of the duties of the County Court, and that the officers of the Court shall act accordingly ; and that rules of Court may be made both for any purpose for which the said Act authorizes Rules of Court to be made, and also generally for carrying the said Act into effect, so far as it affects the County Court and proceedings in the County Court ;

and that such rules may be made by the authority having power to make rules under Section seventy-nine of the County Officers and Courts (Ireland), Act 1877, as amended by Section 10 of the County Officers and Courts Act (Northern Ireland), 1925.

NOW I, THE RIGHT HONOURABLE WILLIAM MOORE, Lord Chief Justice of Northern Ireland, with the concurrence of the said Judges, as testified by their signatures hereto, in pursuance of the powers given by the said recited Acts, and of all other powers thereunto Us enabling, do hereby make and certify the rules and forms hereinafter set forth as rules and forms to be used and be in force in proceedings in the County Courts under the Workmen's Compensation Acts, 1906-1927.

Dated this Eleventh day of February, 1929.

William Moore,
Lord Chief Justice.
Herbert Thompson.
A. H. Bates.

THE WORKMEN'S COMPENSATION (NORTHERN IRELAND) RULES,
1929, DATED THE 11TH DAY OF FEBRUARY, 1929.

PRELIMINARY.

Effect, Short Title, Commencement and Construction of Rules.

1.—(1) The following Rules shall have effect under the Workmen's Compensation Act, 1927, (in these Rules referred to as the Act), with reference to any matter or proceeding for the regulation of which Rules of Court may be made under the Act, and generally for carrying the Act into effect so far as it affects the County Court and proceedings in the County Court.

(2) These Rules may be cited as the Workmen's Compensation (Northern Ireland) Rules, 1929, and shall come into operation on the 1st day of March, one thousand nine hundred and twenty-nine. They shall not apply to any case where the accident happened before the 1st day of January, 1924, in any such case the existing Rules shall continue to apply.

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

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

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

(6) These Rules shall also be read and construed with the County Courts (Ireland) Orders, 1890, and the County Court Rules of subsequent date amending or substituted for the same; and any Order and Rule referred to by number in these Rules

shall mean the Order and Rule so numbered in the County Courts, (Ireland) Orders, 1890, or in any County Court Rules of subsequent date, as the case may be, all of which Orders and Rules for the time being in force are hereinafter referred to as the County Courts (Ireland) Orders.

PARTIES TO ARBITRATION BEFORE JUDGE
OR ARBITRATOR APPOINTED BY JUDGE.

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

(2) In any case in which both the principal as defined by the Act and a contractor with him are alleged to be liable to pay compensation under the Act, Order, I. Rule 6, as to joinder of parties, shall apply.

3. *Joinder of Applicants.* More persons than one may be joined as applicants in one arbitration, in any case in which such persons might be joined in one action as plaintiffs under Order I., Rule 3, and that Rule shall with the necessary modifications apply to any such arbitration.

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

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

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

5. *Application by Dependants under Act, S. 21 (2), where amount of Compensation agreed or ascertained.* (1) In any case in which the amount payable as compensation to the dependants of a deceased workman has been agreed upon or ascertained, but any question arises as to who are dependants, or as to the

amount payable to each dependant, an application for the settlement of such question by arbitration may be made either by the legal personal representative, if any, of the deceased workman on behalf of the dependants or any of them, or by such dependants or any of them, against the other dependants, and the persons claiming or who may be entitled to claim to be dependants, but as to whose claim to rank as such a question arises; or such application may be made by the persons claiming to be dependants but as to whose claim to rank as such a question arises, or any of them, against the legal personal representative, if any, of the deceased workman, and the dependants, and such of the persons claiming or who may be entitled to claim to be dependants as are not applicants.

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

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

(4) The Clerk of the Peace shall within twenty-four hours from the time of payment made pursuant to the last preceding paragraph send notice thereof to the applicant and to the other respondents (if any), and the employer shall not be liable to any costs otherwise than in accordance with paragraph 6 (c) of Rule 18.

6. *Parties to Arbitration as to Sum payable for Medical Attendance and Burial.* Act S. 8 (2) (v). (1) An application for the settlement by arbitration of the sum payable in respect of medical attendance on and the burial of a deceased workman who leaves no dependants shall be made by the legal personal representative, if any, of the deceased workman. If there is no such legal personal representative, the application may be made by any person to whom any such expenses are due. In the latter case, any other person known to the applicant as a person to whom any such expenses are due shall be joined in the application either as applicant or respondent.

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

7. *Parties under Disability and Partners; Representation of Parties having the same Interest.* (1) The provisions of the County Courts (Ireland) Orders, 1890, and the amending Orders, as to parties suing or defending on behalf of other persons having the same interest, and the provisions of the said Orders as to persons

under disability and partners suing and being sued, shall, with the necessary modifications, apply to proceedings by way of arbitration under the Act. In any document notice or proceeding it shall be sufficient where the Respondents carry on business in partnership to describe them by the name of such partnership and any party to the proceedings may at any stage on Affidavit or otherwise apply to the Judge for a statement of the names of the persons who were at the date of the accident the owners of such business to be furnished in such manner and verified on oath or otherwise as the Judge may direct and the Judge may make an order accordingly. Provided always that any answer filed on behalf of the partners or any of them under the provisions of Rule 17 shall set out the full names and addresses of the partner or partners on whose behalf it is filed and also the full names and addresses of the remaining partner or partners.

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

APPLICATION FOR ARBITRATION.

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

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

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

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

9. *Forms of Request and Particulars.* (Forms 1 to 11). (1) The request and particulars shall be according to such one of the forms in the Appendix as shall be applicable to the case, with such modifications as the nature of the case may require.

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

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

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

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

11. Copies for Judge and Respondents. The applicant shall deliver to the Clerk of the Peace with the request and particulars a copy thereof for the judge or arbitrator and a copy for each respondent to be served.

12. Where Applicant is Illiterate. Where the applicant is illiterate and unable to furnish the required information in writing, the request and particulars and copies shall be filled up by the Clerk of the Peace if required.

13. County Court Rule as to security for Costs not to apply. Order xvi, Rule 3, of the County Court Rules, 1890, as to security for Costs shall not apply to proceedings under the Act, and these Rules.

PROCEEDINGS ON ARBITRATION BEFORE JUDGE.

14. Fixing Day and Place for Arbitration. (1) On the filing of a request for arbitration, the Clerk of the Peace shall note on each copy to be served and on the copy for the judge, the date and place of the sessions at which such arbitration will in the ordinary course be held, *inserting in all cases the first day of a sessions in the particular division unless the judge shall otherwise order.*

(2) *Each of the respondents shall be served with a copy of the request and particulars containing such note filled up and signed*

by the Clerk of the Peace *at least ten clear days before the return day mentioned in such note.*

(3) The arbitration shall be held by the judge at the sessions mentioned in such note, if all necessary parties have been duly served.

(4) If any necessary party has not been so served, and if the objection to service shall not be waived, the judge may fix some other day and place at which the arbitration shall be held, and may give such directions as to service of notice of such arbitration as he shall think just.

(5) All powers as to adjournment and transfer to another division which the judge may exercise in relation to civil bills shall apply to an arbitration under the Act.

15. *Service on Respondents.* (1) The copies mentioned in the last preceding rule shall be served—

(a) by a Civil Bill Officer ;

(b) by the applicant or someone on his behalf ; or

(c) by the applicant's solicitor or a solicitor acting as agent for such solicitor, or some person in the employment of either of them.

(2) Service may be effected either in accordance with the rules as to service of ordinary civil bills or by registered post in accordance with the provisions of sub-sections 3 and 4 of section 14 of the Act with reference to service of notice in respect of an injury.

(a) Where service is effected otherwise than by a Civil Bill Officer, and the Respondent has omitted to file an answer after the time limited for filing an answer has expired, the applicant shall deliver or transmit to the Clerk of the Peace an affidavit of the service of such document.

Service by Post. (3) Where a document is served by post it shall, unless the contrary be proved, be deemed to have been served at the time when the letter containing the same would have been delivered in the ordinary course of post, and in proving the service of such document it shall be sufficient to prove that the same was properly addressed and registered.

Service on Respondent in Scotland or England. (4) Where the accident occurred in Northern Ireland, and any respondent resides in Scotland or England, service on such respondent may be effected in accordance with this rule, and service so effected shall be deemed to be sufficient.

STAY OF PROCEEDINGS.

16. *Stay of Proceedings in other arbitrations to abide decision as to liability in selected arbitration.* Where several requests for arbitration are filed by different applicants against the same respondent in the same court in respect of matters arising out of the same circumstances, the respondent may, on filing an under-

taking to be bound, so far as his liability to pay compensation is concerned, by the award in such one of the said arbitrations as may be selected by the judge, apply to the judge for an order to stay proceedings in the arbitrations other than the one so selected until an award is made in such selected arbitration. Such application shall be made by motion on notice, which shall be headed as in the several requests for arbitration, and shall be served in accordance with Rule 15, on all the applicants. The costs of such application, both as regards amount and liability, shall be in the discretion of the judge.

ANSWER BY RESPONDENT.

17.—(1) If any respondent desires to disclaim any interest in the subject matter of an arbitration, or considers that the applicant's particulars are in any respect inaccurate or incomplete, or desires to bring any fact or document to the notice of the judge, or intends to rely on the fact that notice of the accident, or of death, disablement or suspension, was not given as required by the Act, or that the claim for compensation was not made within the time limited by the Act, or intends to deny (wholly or partially) his liability to pay compensation under the Act, he shall, five clear days at least before the day fixed for proceeding with the arbitration, or if the time is abridged pursuant to Rule 27, then within the time fixed by the order, file with the Clerk of the Peace an answer, stating his name and address, and the name and address of his solicitor (if any), and stating that he disclaims any interest in the subject matter of the arbitration, or stating in what respect the applicant's particulars are inaccurate or incomplete, or stating concisely any fact or document which he desires to bring to the notice of the judge, or on which he intends to rely, or the grounds on and extent to which he denies liability.

Form 12.

(2) The respondent shall with such answer deliver a copy thereof for the judge, and shall forthwith serve a copy thereof on the applicant and each of the other respondents.

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

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

Answer where employer is applicant. (5) The provisions of this rule shall, with the necessary modifications, apply to a case in which a request for arbitration is filed by an employer; but a

respondent who fails to file an answer shall not be taken to admit the truth of any statement in the applicant's particulars in which he denies, wholly or partially, his liability to pay compensation.

(6) An answer may be served on the applicant's solicitor who has filed the request for arbitration, or in accordance with Rule 15 aforesaid.

SUBMISSION TO AWARD OR PAYMENT INTO COURT WITH
ADMISSION OF LIABILITY.

Form 13, 14.

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

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

(i) file with the Clerk of the Peace a notice that he submits to an award for the payment of a weekly sum, to be specified in such notice ; or

(ii) file with the Clerk of the Peace a notice that he submits to an award for the payment of a lump sum, to be specified in the notice, which he considers to be sufficient to cover his liability in the circumstances of the case, and pay such sum into court ; or

(b) Where the application is made on behalf of the dependants of a deceased workman, or for the settlement of the sum payable in respect of medical attendance on and the burial of a deceased workman who leaves no dependents, file with the Clerk of the Peace 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.

Form 15.

SUBMISSION TO AWARD OR PAYMENT INTO COURT WITH
DENIAL OF LIABILITY.

(2) A respondent who denies liability may at any time before the day fixed for proceeding with the arbitration file a notice of submission to an award or pay money into court in accordance with this rule, accompanied by a notice stating his name and address, and further stating that notwithstanding such submission or payment he denies his liability.

Form 13, 14.

(3) The respondent shall forthwith after such notice is filed, pursuant to paragraph 1 or 2 above, serve notice thereof (with a copy of such notice) on the applicant and on the other respondents (if any).

ACCEPTANCE OF WEEKLY PAYMENT OR LUMP SUM
BY WORKMAN.

(4) If the applicant is a workman, and elects to accept in satisfaction of his claim the weekly payment or the lump sum specified in the respondent's notice, he shall send to the Clerk of the Peace and to the respondent by post, or leave at the Clerk of the Peace's office and at the residence or place of business of the

respondent, a written notice according to the form in the Appendix, stating such acceptance, within such reasonable time before the day fixed for proceeding with the arbitration as the time of filing of notice of submission by the respondent has permitted.

ACCEPTANCE BY DEFENDANTS OF SUM PAID INTO COURT.

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

Form 16.

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

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

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

(a) Where the applicant is a workman and accepts the weekly payment submitted to or the lump sum paid into court by the respondent, the judge may, on application made to him forthwith make an award directing payment of such weekly sum accordingly, or directing payment of such lump sum to or applying the same for the benefit of the workman;

(b) Where in the case of death the respondent has paid money into court, further proceedings against such respondent shall be stayed, except as hereinafter mentioned; and

(i) If the applicant and the other respondents agree as to the apportionment and application of such sum, the judge may, on application made to him on behalf of or with the consent of all such parties, forthwith make an award for such apportionment and application;

- (ii) In any other case the arbitration may proceed as between the applicant and the other respondents.
- (c) *Costs Payable by Respondent.* In any such case the judge may, in his discretion, by his award order the respondent filing notice of submission to an award or paying money into court to pay such costs as the applicant and the other respondents, or any of them, may have properly incurred before the receipt of notice of submission to an award or payment into court, and his or their costs properly incurred in relation to the notice of submission to an award or payment into court, and to the notice of acceptance, including, if the judge on consideration of the facts of the case shall so order, any items which might have been allowed by order of the judge at the hearing of the arbitration.
- (d) If the applicant or any respondent intends to apply for any such costs, he shall give notice of his intention in his notice of acceptance, according to the form in the Appendix ; or where the time of filing notice of submission to an award or the time of payment into court by the respondent does not permit of notice of acceptance being given, the applicant or any respondent may apply for such costs without giving such notice.

ACCEPTANCE AT ANY TIME BEFORE ARBITRATION OPENED.

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

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

against any costs payable to such party, or to be deducted from any weekly payment or compensation awarded to such party. The judge may also order any costs incurred after notice of payment into court by any party who has given notice of acceptance to be paid by any other party who has not given such notice, and to be deducted from any compensation awarded to such last-mentioned party.

Submission to Award or Payment into Court where Employer is Applicant. (9) The provisions of this rule shall, with the necessary modifications, apply to a case in which an employer has filed a request for arbitration.

NOTICE TO PARTIES AGAINST WHOM INDEMNITY CLAIMED UNDER SECTION 6.

19. *Notice of claim to indemnity under Sect. 6.* Where a respondent claims to be entitled under section 6 of the Act to indemnity against any person not a party to the arbitration, he shall, five clear days at least before the day fixed for proceeding with the arbitration, or if the time is abridged pursuant to Rule 27, then within the time fixed by the order, file a notice of his claim according to the form in the Appendix; and the Clerk of the Peace shall sign such notice and deliver it to the respondent, who shall serve the same, together with a copy of the applicant's request and particulars, and of the note thereon served on the respondent under Rules 14 and 15, upon the person against whom such claim is made; and the provisions of Rule 15 shall apply to such service.

Form 21.

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

Where Notice not Served in Due Time. Provided, that if it appears to the judge before or at the arbitration that the notice of claim has not been served on the third party in time to enable him to appear on the day herein-before mentioned, or that for any other sufficient cause, the third party is unable to appear on such day, the judge may adjourn the proceedings in the

arbitration on such terms, as to costs and otherwise, as may be just.

21. *Proceedings on Default of Appearance by Third Party.* If the third party fails to appear on the day mentioned in Rule 20, or, if the proceedings are adjourned under that rule, on the day to which the proceedings are adjourned, then if the arbitration results in an award in favour of the applicant, or the arbitration is finally decided in favour of the applicant otherwise than by an award, the judge may on the application of the respondent make such award as the nature of the case may require in favour of the respondent against the third party; but execution thereon shall not issue without leave of the judge until after satisfaction by the respondent of the award against him, or the amount recovered against him.

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

APPLICATION FOR DIRECTIONS.

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

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

NOTICE TO PARTIES AGAINST WHOM INDEMNITY CLAIMED UNDER SECTION 30, OR OTHERWISE.

24. *Notice of Claim to Indemnity under Sect. 30, or otherwise than under Sect. 6.* (1) Where a respondent claims that if compensation is recovered against him he will be entitled under section 30

of the Act, or otherwise than under section 6, to indemnify against any person not a party to the arbitration, he may, if he desires that such person shall be bound by the proceedings in the arbitration to the extent in this rule provided, file and serve a notice of his claim in accordance with Rule 19.

Form 21.

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

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

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

Costs. (4) If the third party obtains leave to resist the claim of the applicant against the respondent, the provisions of Rule 23 as to costs shall apply.

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

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

- (a) If the arbitration results in an award in favour of the applicant, or is finally decided in favour of the applicant otherwise than by an award, and the third party admits his liability to indemnify the respondent, the judge may, on application made to him at or after the hearing of the arbitration or the final decision thereof, make such award as the nature of the case may require in favour of the respondent against the third party ; but execution thereon shall not issue without leave of the judge until after satisfaction by the respondent of the award against him, or the amount recovered against him ; or
- (b) The judge may, on an application for directions, order any question as to the liability of the third party to make the indemnity claimed to be settled, as between the respondent and the third party, by arbitration after the arbitration between the applicant and the respondent, and may on such subsequent arbitration make such award as the nature of the case may require in favour of either party against the other.
- (c) In any such case the judge may decide all questions of costs as between the respondent and the third party, and may order either of such parties to pay the costs of the other (including any costs payable by such party to any other party to the arbitration), or give such directions as to such costs as the justice of the case may require.

25. *Third Party Procedure where Employer is Applicant.* The provisions of Rules 19 to 24 shall, with the necessary modifications, apply to a case in which an employer who has filed a request for arbitration claims to be entitled to indemnity against any person not a party to the arbitration.

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

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

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

served with the notice to be served on the respondent. Provided that this power shall be in addition to and not in derogation of the powers of the judge under the County Courts (Ireland) Orders, 1890.

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

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

- (a) further particulars;
- (b) interrogatories, and discovery and inspection of documents;
- (c) examination of witnesses and persons; and
- (d) granting a new trial in an action in the County Court shall, with the necessary modifications, apply to any such arbitration.

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

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

AWARD.

29.—(1) The award of the judge on any arbitration shall be in writing signed by the judge, and filed and such award shall be enforceable in the same manner as a decree or order of the court.

Form 22.

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

PROCEEDINGS BEFORE ARBITRATOR APPOINTED BY JUDGE.

30. *Appointment of Arbitrator by Judge.* With respect to the appointment of an arbitrator by the judge, the following provisions shall apply :—

- (a) If with respect to any court the Lord Chief Justice, by general order, authorises the settlement by an arbitra-

tor appointed by the judge of matters which, in default of such authorisation, would be settled by the judge, the judge may from time to time, on an application being made for the settlement of any matter, either settle the same himself, or he may, with the approval of the Lord Chief Justice, appoint by writing under his hand, and filed in the court, an arbitrator to settle such matter.

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

30a. Fixing day for Arbitration. Where any matter is to be settled by an arbitrator, the judge shall return the copy of the request for arbitration to the clerk of the Peace, with the appointment of such arbitrator, to be transmitted to the arbitrator; and the Clerk of the Peace shall transmit the copy of the request and a copy of the appointment to the arbitrator, who shall, as soon as conveniently may be, appoint a day and hour for proceeding with the arbitration, in accordance with Rule 14, and the provisions of that rule as to the place where an arbitration shall be held shall apply. Provided, that where the arbitration is to be held at the place where the court is held, the day appointed for the arbitration shall, if possible, be one on which the court or other suitable accommodation in the court-house will be available for the arbitration.

31. Procedure before Arbitrator. (1) On the day for proceeding with an arbitration being fixed the Clerk of the Peace shall proceed

according to Rule 14, and thenceforward the arbitration shall proceed in the same manner as an arbitration before the judge ; and these Rules shall apply and the officers of the court shall act accordingly, with the substitution of the arbitrator for the judge.

(2) Provided that—

- (a) In any case coming within the provisions of paragraph (6) (a) or paragraph (6) (b) (i) of Rule 18, or in any other case in which, after an arbitrator has been appointed, but before the day fixed for proceeding with the arbitration, the parties agree upon an award, the judge may, on application made to him in or out of court on behalf of or with the consent of all parties, settle the matter himself ; and thereupon the functions of the arbitrator as to such matter shall cease, and the Clerk of the Peace shall forthwith inform him that the matter has been settled ; and
- (b) Any application for the enforcement of or for staying proceedings on an award, which would in the case of an award made by the judge be required to be made to the judge, shall, in the case of an award made by an arbitrator, be in like manner made to the judge.

SUBMISSION OF QUESTION OF LAW BY COMMITTEE OR ARBITRATOR
TO JUDGE.

32.—(1) Where a committee or an arbitrator agreed on by the parties submits any question of law for the decision of the judge under paragraph 3 of the first schedule to the Act, such submission shall be in the form of a special case.

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

FIXING DAY FOR HEARING.

(3) *Fixing Day for Hearing.* The case shall be signed by the chairman and secretary of the committee or by the arbitrator, and sent to the Clerk of the Peace, who shall transmit the same to the

Form 23.

judge, and the judge shall as soon as conveniently may be appoint a day and hour for hearing the case, and instruct the Clerk of the Peace to give notice thereof forthwith to the parties. The day shall be so fixed as to allow notice to be given ten days at least before the day fixed for the hearing, unless the judge shall, with the consent of all parties, fix an earlier day.

Copies of Case. (4) The Clerk of the Peace shall, on the application and at the cost of any party, furnish him with a copy of the case.

Power of Judge on Hearing of Case. (5) On the hearing of the case the judge may, after deciding the question submitted to him, remit the case with a memorandum of his decision to the committee or arbitrator, for them or him to proceed thereon in accordance with the decision; or if the decision of the judge on the question submitted to him disposes of the whole matter, he may himself make an award in the arbitration in accordance with such decision.

Re-Statement. (6) The judge may remit the case to the committee or arbitrator for re-statement or further statement.

Costs of Special Case. (7) The judge shall have the same power over the costs of a special case as he has over the costs of an arbitration, or he may direct that such costs shall be dealt with as costs attending the arbitration; and the provisions of the Act and these Rules as to such costs shall apply accordingly.

33. Appearance of Parties in Arbitration. (1) A party to any arbitration under the Act, whether before a committee or an agreed arbitrator, or before a judge may appear—

(a) In person;

(b) By any solicitor who would be entitled to appear for such party in any proceeding in the County Court;

(c) By counsel;

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

(d) By a member of his family.

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

DUTY OF JUDGE AS TO TAKING NOTES.

34. Note to be taken of Question of Law Raised, etc., and Copy Furnished. At the hearing of any arbitration or special case the judge shall make a note of any question of law raised, and of the

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

PROCEEDINGS AGAINST INSURERS UNDER SECTION 7.

35. *Where Rights of Bankrupt, &c., Employer against Insurers vest in Workman under Sect. 7.* (1) Where under section 7 of the Act the rights of an employer against any insurers under a contract entered into by the employer with the insurers in respect of any liability under the Act to any workman are transferred to and vest in the workman, the following provisions shall have effect.

Examination of Employer as to Insurance. (2) Where a workman who is or claims to be entitled to compensation from an employer to whom section 7 of the Act applies is unable to ascertain whether such employer has entered into a contract with insurers in respect of his liability, the Court may, whether or not any proceedings have been begun by the workman against such employer, on an application by or on behalf of the workman, make an order for the attendance of the employer, or, if the employer be a company, of any officer thereof for examination as to whether any and if so what contracts with insurers have been entered into by the employer in respect of such liability. Such application if not made at the hearing of an arbitration between the workman and the employer shall be made on affidavit intitled in the matter of the Act and in the names of the applicant and the respondent, setting forth the facts on which the applicant relies and the order which he asks; and the costs of such application shall be in the discretion of the judge.

Form 11.

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

MASTERS, SEAMEN, APPRENTICES AND PILOTS. SECTION 35.

36. (1) In the application of the Act and these Rules in the case of masters, seamen, and apprentices to the sea-service and apprentices in the sea-fishing service, who are workmen within

the meaning of the Act, and who are members of the crew of any such ship as in section 7 of the Act mentioned, and to pilots when employed on any such ship, the following provisions shall have effect.

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

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

Forms 6, 7,
8.

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

Description of owners in documents and proceedings. (5) In any document, notice, or proceeding it shall be sufficient to describe the owners of the ship as "the owners of the ship"; and any party to the proceedings may at any stage on affidavit or otherwise apply to the judge for a statement of the names of the persons who were at the date of the accident the owners of such ship to be furnished in such manner and verified on oath or otherwise as the judge may direct and the judge may make an order accordingly. Provided always that any answer filed on behalf of the owners or any of them under the provisions of Rule 17 shall set out the full names and addresses of the owner or owners on whose behalf it is filed, and also the full names and addresses of the remaining owner or owners.

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

37. Proceedings against a club. Where proceedings are taken by a workman against the managing committee of a club as an employer under sub-section (3) of section 5 of the Act, service or notice of any documents or proceedings shall be valid and sufficient if served on or given to a member of such committee or its

secretary and on the club premises in such manner as would be valid and sufficient if he were the sole employer.

DETENTION OF SHIPS. SECTION 40.

38. Application for detention of ship and evidence. (1) Subject to the provisions of par. 7 of this Rule, an application for an order for the detention of a ship under sect. 40 of the Act, may be made by the applicant filing with the Clerk of the Peace an application according to Form 24 in the Appendix and applying *ex parte* on affidavit or other evidence showing, to the satisfaction of the judge, the grounds on which the application is made. Form 24.

Undertaking as to Damages. (2) The judge may, before granting the application, require the applicant to give or procure an undertaking, to the satisfaction of the judge, to abide by any order as to damages and costs which may be thereafter made, in case any person affected by the order for detention shall sustain any damages by reason of the order which the applicant ought to pay. Form 25.

Order, and Execution thereof. (3) An order for detention shall specify the amount for which security shall be given, and shall be according to the form in the Appendix, and shall be issued in triplicate; one copy shall be delivered to the applicant, and the other two copies to the officer named by the judge; and one of such last-mentioned copies shall be delivered by the officer to the person who is at the time of the execution of the order apparently in charge of the ship, or shall be nailed or affixed on the main mast or on the single mast of the ship; and the other copy shall be retained by the officer. Form 26.

Rescission of Order. (4) The judge may at any time on good cause shown rescind any order for detention made by him.

Security. (5) The provisions of Order 34 of the County Courts (Ireland) Orders, 1890, as to security, shall with the necessary modifications apply to the giving of security; and the approval by the judge of any security shall be signified in writing signed by him. Where security is given by bond, such bond shall be according to the form in the Appendix. Form 27.

Release. (6) If the judge rescinds any order for detention, or is satisfied that satisfaction has been made, or when security has been given and approved, or in any other case if the applicant so requires, the judge shall deliver to the party applying for the same an order according to the form in the Appendix, directed to the officer named in the order for detention, authorising and directing him, upon payment of all costs, charges and expenses attending the custody of the ship, to release it forthwith. Such costs, charges, and expenses shall be allowed on the same scale as the costs, charges and expenses allowed for executing a warrant of arrest and retaining possession of a ship in an Admiralty action by civil bill where the amount claimed exceeds £100. Form 28.

Notice of Application to Agent or Solicitor of Owners.
 (7) (a) With respect to notices of applications for orders for detention, and to undertakings to give security, the following provisions shall have effect.

(b) Notwithstanding anything in this rule contained, a person intending to apply for an order for detention shall, if the name and address of an agent in Northern Ireland for the owners of the ship or of a solicitor in Northern Ireland authorised to act for the owners, agent, master, or consignee of the ship, are known to him, give to such agent or solicitor, by post, telegram, or otherwise, such notice of the time and place at which the application for an order for detention is intended to be made as may be practicable in the circumstances of the case.

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

Form 29.

- (i) The Judge may in his discretion refuse to make an order for detention ; or
- (ii) If an order for detention has been made, but not executed, the judge may rescind it ; or
- (iii) If an order for detention has been made and executed the judge may deliver to the party applying for the same an order of release in accordance with paragraph 6 of this rule.

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

(e) *Attachment for non-compliance with undertaking.* A solicitor who fails to put in or give security in pursuance of his undertaking to do so shall be liable to attachment.

Particulars to state circumstances under which Persons giving Security are made Respondents. (8) Where proceedings by way of arbitration for the recovery of compensation are taken against the persons giving security the request for arbitration and particulars shall state concisely the circumstances under which the persons giving security are made respondents.

Transmission of documents, &c., where proceedings commenced in court other than that in which order for detention made or applied for. (9) Where proceedings are commenced in any court in England, Scotland, or Northern Ireland other than that in which the order for detention was made or applied for, the Clerk of the Peace of the court in which the order was made or applied for shall on request transmit by registered post to the proper officer of the court in which the proceedings are commenced all original

documents filed in the matter, and a certified copy of all records made with reference to the matter, and any bond by way of security given in the matter, and shall transfer to such last mentioned court any money paid into court by way of security in the matter.

Costs of application for order for detention. (10) The costs incurred by any party in relation to an application for an order for detention and any proceedings consequent thereon may in any subsequent proceedings by way of arbitration be allowed as costs of the arbitration. (11) This Rule shall apply to claims against charterers under subsection (5) of section 40 of the Act, "charterers" being substituted for "owners" in these cases.

PROCEEDINGS WHERE EMPLOYER WHO HAS PAID COMPENSATION, OR FROM WHOM COMPENSATION IS CLAIMED, DESIRES TO OBTAIN ORDER FOR DETENTION OF SHIP. 5 Edw. 7, c. 10.

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

- (i) An application for an order for detention, and a bond given by way of security, shall be according to the Forms in the Appendix. Forms 30,
31.
- (ii) Where proceedings by way of arbitration for the recovery of compensation are taken against the employer, he may bring in the persons giving security as third parties in accordance with Rule 24, and the provisions of that rule shall apply accordingly.
- (iii) Where such proceedings are taken against the employer in any court other than that in which the order for detention was made or applied for, and the employer brings in the persons giving security as third parties, the provisions of paragraphs 9 and 10 of the last preceding rule shall apply.
- (iv) Where the employer has paid compensation in respect of the injury, all questions as to his right to indemnity against the persons giving security, and as to the amount of such indemnity, shall in default of agreement be settled by action, or, by consent of the parties, by arbitration in accordance with the Act and these Rules ; and if such questions are settled by arbitration, the provisions of paragraphs 8 to 10 of the last preceding rule shall apply.

INDUSTRIAL DISEASES.

40. Application of Act and rules to cases of industrial diseases.

(1) In the application of the Act and these Rules in the case of a workman disabled by or suspended on account of his having contracted any disease mentioned in section 44 of and the third schedule to the Act, or in any order of the Minister of Labour, Northern Ireland, made under sub-section 3 of the said section, or disabled by or suspended on account of his having sustained any injury due to the nature of any employment specified in any such order, not being an injury by accident, or in the case of a workman whose death has been caused by any such disease or injury as above-mentioned, the following provisions shall have effect.

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

Forms 9, 10.

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

Forms, 17,
18.

Adding Respondent under Act, s. 44 (1) (c) (ii). (4) (a) If the employer desires to add any previous or other employer as a party to the arbitration, pursuant to proviso (ii) to paragraph (c) of sub-section (1) of section 44 of the Act, he shall file with the Clerk of the Peace in duplicate a notice according to the form in the Appendix ; and thereupon the Clerk of the Peace shall make an order adding such other employer as respondent, and may, if necessary, adjourn the hearing of the arbitration for such time as may be necessary to enable such other employer to be duly served.

Forms 19,
20.

Notice of order, and service on added Respondent. (b) Where a respondent is added under the last preceding paragraph, copies of the notice pursuant to which he is so added, and of the order, shall be served by the party obtaining the order on all other parties to the arbitration ; and the like copies, together with a copy of the applicant's request and particulars, and of the original respondent's answer shall be served by the party obtaining the order on the added respondent ; and such copies shall be served on the added respondent in accordance with Rule 15 with the substitution of the original respondent for the applicant.

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

Procedure at Arbitration. Costs. (d) At the hearing of the arbitration the judge shall decide all questions as between the applicant and the original and added respondents, and may make

such award as may be necessary effectively and completely to adjudicate upon and settle all the questions involved in the arbitration, and may make such order as to costs as between the applicant and the respondents, and as between the respondents themselves, as may be just.

Claim to Contribution under Act, s. 44 (1) (c) (iii). (5) Where the employer claims under proviso (iii) to paragraph (c) of subsection (1) of section 44 of the Act to be entitled to contribution from any other employer, he may bring in such other employer as a third party in accordance with Rules 19, 20, 21, 22, 23, 25 and 26; and the provisions of those rules shall with the necessary modifications apply to any such claim to contribution in like manner as they apply to claims to indemnity.

Form 21.

(6) The provisions of this Rule shall apply to claims to compensation, and questions arising under the scheme (Silicosis) provided under Section 48 of the Act with such modifications as the nature of the case may require.

APPOINTMENT OF ARBITRATOR BY JUDGE IN PLACE OF ARBITRATOR
AGREED ON BY THE PARTIES UNDER SCHEDULE I.

Form 33

41. Application for appointment. (1) An application for the appointment by the judge of a new arbitrator in case of the death or refusal or inability to act of the arbitrator agreed on by the parties may be made by any of the parties to the arbitration and shall be by motion on notice according to the form in the Appendix, which notice shall be served on all parties interested according to Rule 15 and filed in the office of the Clerk of the Peace. The notice shall be entered and numbered and shall, with the subsequent proceedings thereon, be recorded in the special register hereinafter mentioned.

(2) Rules 12, 13, 14 and 15 shall apply with the necessary modifications to such notice as if it were a request for arbitration under the Act.

Ascertainment of willingness to act. (3) Before appointing any person to act as arbitrator, the judge shall ascertain that such person is willing to serve if appointed.

Order. (4) The appointment shall be made by an order intituled as in the notice of motion.

Costs. (5) The costs of the application shall be in the discretion of the judge, who may order the same to be paid by one party to the other, or to be dealt with as costs attending the arbitration.

MEMORANDUM UNDER SEC. 23, 24, 45.

Form 34.

42.—(1) The memorandum as to any matter decided by a committee or by an arbitrator or by agreement, which is required to be sent or may be sent to the Clerk of the Peace under sections 23, 24, or 45 of the Act shall be according to such one of the forms in the Appendix as is applicable to the circumstances of the case, and shall be left at the office of the Clerk of the Peace, or sent

by post by registered letter addressed to the Clerk of the Peace at his office, as soon as may be after the matter has been decided.

Form 34.

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

Form 35.

(3) In the case of an agreement as to any matter referred to in paragraph 1 of Rule, a separate statement as required by that paragraph shall be left or sent with the memorandum of the agreement.

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

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

Copies. (3) There shall be left or sent with the memorandum a copy thereof for every party interested. (In the case of an Agreement for the payment of a lump sum the Approved Society or Committee referred to in sub-section (4) of section 12 of the 1923 Act shall be deemed to be a party interested for the purposes of this rule, and of rules 42 to 47 inclusive.)

Production of original agreement. (4) Where the matter is decided by agreement, the Clerk of the Peace may, if the original agreement is in writing, and is not left or sent to be recorded, require such original agreement to be produced ; but he shall not be entitled to retain the same where a memorandum thereof is left or sent to be recorded.

Memorandum may be lodged by Insurers. (5) A memorandum of an agreement may be left with or sent to the Clerk of the Peace by insurers on behalf of the parties interested,

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

44. *Notice to parties interested of Memorandums having been received.* On the receipt of the memorandum and copies the Clerk of the Peace shall send one of the copies thereof to every party interested, together (in the case of a party other than the Approved Society or Committee) with a notice according to the form in the Appendix, requesting such party to inform him *within seven days* from the date of the notice whether the memorandum is genuine, or whether he disputes its genuineness, and if so, on what grounds, and together (in the case of such society or Committee of a party interested) with a notice according to the form in the Appendix requesting to be informed whether the registration of the Memo. is objected to, and if so, on what grounds.

Form 36,
36a.

45. *Recording of Memorandum if not disputed.* If all the parties interested admit the genuineness of the memorandum, or if none of such parties within such period of seven days, dispute its genuineness pursuant to Rule, and the employer does not object to its being recorded pursuant to the said Rule 44, the Clerk of the Peace shall, subject to sub-section 4 of section 25 of the Act, as extended by section 16, sub-section 1 (c) of the National Insurance Act, 1924, and to Rules 48 (4) and 50 record it without further proof.

46. *Where genuineness disputed.* (a) If any party interested disputes the genuineness of the memorandum (for example, by alleging in the case of a memorandum of an agreement that no such agreement has in fact been entered into, or that the terms of the agreement are not correctly stated in the memorandum, or that the agreement is no longer subsisting or enforceable, or that it is not enforceable by reason of its having being entered into under a mutual mistake, or obtained by fraud or undue influence or other improper means); or

(b) If the Society or Committee objects on any of the grounds under sub-section (6) of section 23 of the Act to the registration of the Agreement; or

(c) if, where a workman seeks to record a memorandum of an agreement between his employer and himself, the employer alleges that the workman has, in fact, returned to work and is earning the same wages as he did before the accident, and objects to the recording of the memorandum.

The party so disputing or the employer so objecting shall within seven days from the date of the notice mentioned in Rule

Form 37.

44 file with the Clerk of the Peace a notice according to the form in the Appendix, stating the ground on which the genuineness of the memorandum is disputed or the recording thereof is objected to, and shall with such notice file a copy thereof for each of the other parties interested.

Form 38.

47. *Notice of Dispute or Objection.* On the receipt of any such notice as in the last preceding rule mentioned, the Clerk of the Peace shall send a copy thereof to each of the other parties interested, together with a notice according to the form in the Appendix, informing such party that the memorandum will not be recorded except with the consent in writing of the party or employer disputing the same or objecting to the same being recorded, or by order of the judge.

48. *Subsequent proceedings.* (1) If the consent mentioned in the last preceding rule is obtained the Clerk of the Peace shall, subject to sub-section 4 of section 25 of the Act, as extended by section 16, sub-section 1 (c) of the National Insurance Act, 1924, and to Rule 50 record the memorandum without further proof.

(2) If such consent cannot be obtained, any party interested may apply to the judge to order the memorandum to be recorded.

Amendment of Memorandum by consent. (3) Provided that if all parties interested consent in writing to any amendment of the memorandum, and to the recording of the same as so amended, the Clerk of the Peace may amend the memorandum accordingly, and record the same without further proof.

Where objection made to adequacy of sum payable, or information given as to matters mentioned in Act. (4) Where a memorandum of an agreement as to any matter referred to in paragraph 1 of Rule 50 is presented for registration, and no notice is filed pursuant to Rule 44 by any party interested disputing the genuineness of the memorandum nor any notice by the employer objecting to the memorandum being recorded on the grounds specified in para. (c) of that Rule, but a notice objecting to the memorandum being recorded is filed pursuant to that Rule by a party interested on the ground of inadequacy of the sum or amount payable or on some other ground or any party interested gives to the Clerk of the Peace any information bearing on the question whether the memorandum may properly be recorded, regard being had to sub-section 4 of section 25 of the Act, as extended by section 16, sub-section 1 (c), of the National Insurance Act, 1924, the Clerk of the Peace shall before recording the memorandum proceed to consider the objection or information in accordance with the said proviso, and with Rule 50.

PROCEEDINGS FOR RECORD OF MEMORANDUM OR RECTIFICATION
OF REGISTER.

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

Form 39.

- (a) The application shall be made in court on notice in writing, stating the relief or order which the applicant claims.
- (b) The notice shall be filed with the Clerk of the Peace, and copies thereof shall be served—
 - (i) in the case of an application for an order that a memorandum be recorded, on the party disputing the memorandum or objecting to its being recorded, and on all other parties interested;
 - (ii) in the case of an application to rectify the register, on every party, who would be affected by such rectification, subject to the provisions of these Rules as to the parties to an arbitration;
or on the solicitor of such party, five clear days at least before the hearing of the application, unless the judge gives leave for shorter notice.
- (c) On the hearing of the application witnesses may be orally examined in the same manner as on the hearing of a civil bill.
- (d) On the hearing of the application the judge may make such order or give such directions as he may think just, regard being had, in the case of an application for an order that a memorandum of an agreement be recorded, to sub-section 4 of section 25 of the Act, as extended by section 16, sub-section 1 (c) of the National Insurance Act, 1924, and to Rules 48 and 57.
- (e) The provisions of the Act and these Rules as to the costs of an arbitration before the judge shall apply to any such application.

50. *Where memorandum of agreement relates to matter within Act, section 25.* (1) Where a memorandum of an agreement as to the redemption of a weekly payment by a lump sum, or as to the amount of compensation payable to a person under any legal disability, or to dependants, or as to the amount of compensation payable in the form of a weekly payment or of a lump sum to a workman who is an insured person within the meaning of the National Insurance Act, 1924, or a memorandum of an agreement which may be sent for registration under the Act is presented for registration, there shall be left or sent with the

Form 35.

memorandum a separate statement according to the form in the Appendix, of such of the particulars mentioned in that form as are applicable to the case. Where a memorandum of an agreement with a workman is presented for registration, there shall be added to Part A. of the said form a paragraph according to the form in the Appendix, stating whether the workman is or is not an insured person within the meaning of the last-mentioned Act, and if he is such an insured person, stating also the name and address of the Insurance Commissioners or of the society or committee concerned in the administration of any benefit to which he is entitled under the last-mentioned Act [and his membership number].

Form 35.

Inquiry by Clerk of the Peace, and proceedings thereon. (2) In any such case the Clerk of the Peace shall, before recording the memorandum, in addition to sending the notice mentioned in Rule 44, send a notice to every party interested according to the form in the Appendix, requesting such party to inform him by letter, or by personal interview at his office, of any facts relating to the agreement and the circumstances in which it was arrived at which such party may desire to bring to the notice of the Clerk of the Peace, and which may assist him in deciding whether the memorandum may properly be recorded; and the Clerk of the Peace shall make such further inquiries and obtain such further information as he may think necessary in order to satisfy himself that the memorandum may properly be recorded, regard being had to sub-section 4 of section 25 of the Act, as extended by section 16, sub-section (1) (c), of the National Insurance Act, 1924, and in particular he may for this purpose in the case of a lump sum agreement exercise, by notice according to the form in the Appendix, the powers of making the specific requirements referred to in sub-section (3) of section 23 of the Act, subject to giving the society or committee, by notice according to the form in the Appendix, an opportunity of appearing before him pursuant to sub-section (6) of that section in the case of the attendance of any of the parties to the agreement having been required by him; and in the case of an agreement sent for registration under section 24 of that Act he shall have regard to the question whether or not liability to pay compensation is doubtful: and it shall be the duty of the parties to the agreement to answer such inquiries and give such information accordingly.

Form 40,

Form 40,
a, b, c.

(3) Where notice disputing the genuineness of the memorandum is not filed pursuant to Rule 46, but it appears to the Clerk of the Peace, on any information which he considers sufficient, that the memorandum ought not to be recorded for any reason mentioned in the said proviso as so extended (or mentioned in sub-section 3 or 4 of section 23 of the Act) he shall make a report to the judge in writing, stating the information he has

obtained, and the grounds on which it appears to him that the memorandum ought not to be recorded.

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

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

Form 41.

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

(7) At the hearing witnesses may be orally examined in the same manner as on the hearing of a civil bill.

The judge may also at or for the purpose of the hearing give such directions as he may think just, and in particular he may in the case of a lump sum agreement exercise the powers conferred upon him by sub-section (3) of section 23 of the Act, whether the same have already been exercised by the clerk of the peace or not.

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

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

Further in the event of the parties or either of them failing to comply with any requirements of the clerk of the peace under sub-section (3) of section 23 of the Act the clerk of the peace may in accordance with such sub-section refuse to record the

memorandum and refer the matter to the judge who shall have power to make such order as he may in the circumstances think just.

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

PROCEEDINGS FOR REMOVAL OF RECORD OF MEMORANDUM OF AGREEMENT FROM REGISTER UNDER SUB-SECTION 5 OF SECTION 25.

Form 42.

51.—(1) An application to the judge by or on behalf of any party for the removal from the register of the record of a memorandum of agreement under the Act shall be made in court on notice in writing ; and the provisions of Rule 49 shall apply to the proceedings on such application.

Form 43.

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

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

PAYMENT INTO COURT AND APPLICATION OF LUMP SUM PAYABLE BY AGREEMENT IN LIEU OF OR FOR REDEMPTION OF WEEKLY PAYMENT PAYABLE TO A PERSON UNDER LEGAL DISABILITY.

52. Where an agreement is made for the payment of a lump sum in lieu of a weekly payment to a person under any legal disability, or for the redemption by a lump sum of a weekly payment payable to a person under any legal disability, and a memorandum thereof has been recorded in accordance with the Act and these Rules, such sum shall be paid into court, and shall be invested, applied, or otherwise dealt with by the Court in such manner as the court in its discretion thinks fit for the benefit of the person entitled thereto, and the receipt of the Clerk of the Peace of the court shall be a sufficient discharge in respect of the amount paid in ; and the provisions of section 26 of, and the second schedule to the Act and of Rule 59 shall apply to the payment into court and the investment and application of such lump sum.

CERTIFICATE UNDER SUB-SECTION (2) OF SECTION 29.

53.—(1) Where a civil bill is brought in the County Court to recover damages independently of the Act for injury caused by any accident, and the court proceeds under sub-section (2) of section 29 of the Act, the Certificate given by the court shall be according to the form in the Appendix. Form 44.

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

SUMMONING MEDICAL REFEREE AS ASSESSOR UNDER SCHEDULE I., PARAGRAPH 4.

54.—(1) Any party to an arbitration may, four clear days at least before the day fixed for proceeding with the arbitration, file with the Clerk of the Peace an application according to the form in the Appendix, accompanied by two copies of the request for arbitration, requesting the judge to summon a medical referee to sit with him as an assessor under paragraph 4 of the first schedule to the Act. Form 45.

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

Summoning of assessor if judge approves or so directs. (3) If the judge thinks fit, either on the application of any party to an arbitration or on his own motion, to summon a medical referee to sit with him as an assessor, the Clerk of the Peace shall forthwith summon a medical referee by sending to him by post a summons according to the form in the Appendix. Form 46.

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

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

APPOINTMENT OF MEDICAL REFEREE TO REPORT UNDER SCHEDULE I., PARAGRAPH 7.

55.—(1) Subject to and in accordance with the regulations made by the Ministry of Labour, Northern Ireland, and the Ministry of Finance, Northern Ireland, under paragraph 7 of the first schedule to the Act, the judge may submit to a medical referee for report any matter which seems material to any question arising in an arbitration.

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

APPLICATION FOR REFERENCE TO MEDICAL REFEREE UNDER SECTION 19.

56.—(1) With respect to applications to the Clerk of the Peace to refer any matter to a medical referee, the following provisions shall have effect.

Form 47.

(2) An application to the Clerk of the Peace to refer any matter to a medical referee shall be made in writing, and where the application is made by only one of the parties shall be made on not less than four days notice in writing, and shall contain a statement of the facts which render the application necessary, according to the form in the Appendix, and shall be accompanied by a copy of the report of every medical practitioner who has examined the workman either on behalf of the employer or on the selection of the workman. The application shall be signed by or on behalf of one or both of the parties as the case may be; and the applicant or applicants shall file copies of the application and reports for the use of the medical referee.

Form 48.

(3) On the hearing of the application the clerk of the peace may (on payment by the applicant or applicants of the fee payable and where the application is made by only one of the parties subject to appeal to the judge) refer the matter to a medical referee; and if no such appeal be taken, shall forward to such medical referee by registered post one of the filed copies of the application and reports, with an order of reference according to the form in the Appendix, provided that where the application is made by only one of the parties the clerk of the peace or on appeal the judge, if he is of opinion that owing to the exceptional difficulty of the case or for any other sufficient reason the matter ought to be settled in default of agreement by arbitration, shall refuse to allow the reference, and may in that case make such order as to the costs of the application as he shall think fit.

(4) The Clerk of the Peace 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 Ministry of Labour, Northern Ireland. Form 49.

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

(6) The Clerk of the Peace 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. And when the order of reference has been made on the application of only one of the parties such Order shall contain a note that the Order shall take effect unless a Notice of Appeal in writing to the judge be lodged in the office of the clerk of the peace within four days from the date of such Order.

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

(8) On the receipt of the certificate of the medical referee the Clerk of the Peace shall inform the parties by post that it has been received, and shall permit any party to inspect the same during office hours, and shall on the application and at the cost of either party furnish him with a copy of the certificate, or allow him to take a copy thereof. Form 50.

(9) The costs of any application to the Clerk of the Peace, including the fee mentioned in paragraph 3, may be allowed as costs in any subsequent arbitration for the settlement of the weekly payment to be made to the workman, or, where the application is made after the weekly payment has been settled, as costs in any subsequent arbitration as to the review of such weekly payment; or may be allowed by special Order of the judge on application in that behalf, such application to be made on not less than four days notice in writing. Where the parties agree in writing as to the effect of such certificate of the medical referee the clerk of the peace may act on such agreement and may pay out the moneys, if any, lodged in court to the party who may be entitled to such payment. In default of such agreement the clerk of the peace may proceed to determine the effect of such certificate, and if no appeal therefrom to the judge be taken, the clerk of the peace may deal with such moneys accordingly. Notice of appeal from the clerk of the peace's ruling to the judge must be lodged in writing within four days from the date of the notification to the parties.

Form 50a.

(10) *Application for reference to medical referee under s. 12 of the Act.* The application under proviso (3) to section 12 of the Act, in a case where the effect of the certificate of the medical referee is in dispute, for the determination of the clerk of the peace shall be made on not less than four days' notice in writing; and notice of appeal to the judge must be given in writing within four days from the decision of the clerk of the peace unless the time is extended by the judge or by the clerk of the peace; and on the hearing of any such application the Clerk of the peace or on appeal the judge may determine what is the effect of such certificate as regards diminishing or ending the weekly payments under the principal Act and may rule accordingly; and the clerk of the peace or judge may make such order as to the costs of the application as he shall think just.

Fees paid into Court under para. 7 of first schedule. Any fees paid into court under para. 7 of the first schedule to the Act and any monies recovered or received on account thereof shall be dealt with as directed by the judge.

SUSPENSION OF PROCEEDINGS OR WEEKLY PAYMENTS ON REFUSAL TO SUBMIT TO EXAMINATION UNDER SECTION 17, 18, OR 19 OF THE ACT.

From 51.

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

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

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

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

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

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

(5) Where the application is to be made to the judge, it may be made in accordance with Rule 49, and the provisions of the said rule shall apply to the proceedings on such application, with the following modification—

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

SUSPENSION OF WEEKLY PAYMENTS PENDING APPLICATION FOR REVIEW.

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

(2) Where an employer intends to apply for an order of suspension or payment into court under the preceding paragraph, he shall file with the Clerk of the Peace notice of his intention, specifying the date on which he alleges that incapacity wholly or partially ceased; and copies thereof shall be served in accordance with Rule 49 five clear days at least before the hearing of the application to record, unless the judge gives leave for shorter notice.

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

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

(5) An application for an order of suspension or payment into court under the last preceding paragraph shall be made in court on notice in writing; and the provisions of Rule 49 shall apply to the proceedings on such application.

(6) An order for suspension or payment into court under this rule shall be without prejudice to the right of the workman to

apply to the court, on good cause shown, to discharge the order. Any such application shall be made in court on notice in writing ; and the provisions of Rule 49 shall apply to the proceedings on such application.

PAYMENT INTO COURT AND INVESTMENT AND APPLICATION OF MONEY PAYABLE IN CASE OF DEATH. SECTION 26, AND SCHEDULE 2.

59.—(1) Where any payment in the case of death or under an award made by the judge or in any other case, is to be made into court, the money shall be lodged to the credit of the County Court account in the bank appointed or which may from time to time be appointed under section 39 of the County Officers and Courts (Ireland) Act, 1877, and to the separate credit of the matter in the names of the Judge and the Clerk of the Crown Peace. No lodgment of money save in the manner herein prescribed shall be recognised by the court as a compliance with its order, and any person lodging money in any other way shall do so at his own peril.

Form 53.

(2) Where money is to be paid into court the employer shall lodge with the Clerk of the Peace a request for lodgment in duplicate according to the form in the Appendix, and shall obtain from him an authority for such lodgment.

(3) An employer lodging money under such authority shall obtain from the bank a receipt for such lodgment, which he may forthwith lodge with the Clerk of the Peace and receive from him (if he so desires) a copy of the same.

Form 55.

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

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

(6) If all questions as to who are dependants have been settled by agreement before payment into court, the amount payable to each dependant shall be settled by the court, and the amount allotted to each dependant shall be invested, applied, or otherwise dealt with by the court for the benefit of the person

entitled thereto in accordance with section 26 of, and the second schedule to the Act.

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

(a) If all the persons interested in the sum paid into court agree to leave the application thereof to the court, or if no question arises as to who is a dependant or as to the amount payable to any dependant, or otherwise as to the application of the sum paid into court, but any of the persons interested in the said sum are absent or under disability, the amount paid into court shall, on application by or on behalf of the persons interested therein, be allotted, invested, applied, or otherwise dealt with by the court for the benefit of the persons interested therein in accordance with section 26 of, and the second schedule to the Act.

(b) If any question arises as to who is a dependant or as to the amount payable to any dependant, or otherwise as to the application of the sum paid into court, such question shall be settled by arbitration in accordance with the Act and these Rules ; and the amount allotted to each dependant shall be invested, applied, or otherwise dealt with by the court for the benefit of the person entitled thereto in accordance with section 26 of, and the second schedule to the Act.

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

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

Form 57.

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

(c) On the hearing of the application witnesses may be orally examined in the same manner as on the hearing of a civil bill.

(d) On the hearing of the application, the judge may after making or directing such inquiries as to the dependants and on such evidence of title and identity as he may think necessary,

make such order under paragraph 5 of the first schedule to the Act and this rule as he may think fit.

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

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

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

(12) Every order for the investment or application of money paid into court shall reserve liberty to the parties interested to apply to the court as they may be advised. Every investment shall be made in the names of the Judge and of the Clerk of the Crown and Peace jointly.

(13) Where any sum allotted to any person under the second schedule to the Act or this rule is ordered to be paid out to or applied for the benefit of the person entitled thereto by weekly or other periodical payments, such payments shall be made to the person entitled to receive the same either at the office of the Clerk of the Peace, or on the written request of such person by crossed cheque signed by the Judge and the Clerk of the Peace jointly, or forwarded to such person by post letter payment in all cases at the cost and risk of the person requesting the same.

60. *Payment into court where liability admitted, but amount not ascertained.* (1) If there is no dispute as to the liability to pay compensation, but the amount payable has not been ascertained or decided either by a committee or by arbitration or by agreement, the employer may pay the amount which he admits to be payable as compensation into the court to which, if an agreement had been come to in the matter, a memorandum of such agreement would be sent to be recorded, and Rule 59, sub-rule 1, shall apply to such payment.

(2) Where money is to be paid into court under this rule, the employer shall lodge with the Clerk of the Peace, a Request in duplicate according to the form in the Appendix, containing a statement of the particulars mentioned in that form, and stating in what manner the sum admitted to be payable as compensation has been arrived at, and Rule 59, sub-rules 2 and 3, shall apply accordingly.

(3) On the payment of money into court under this rule the Clerk of the Peace shall make such inquiries and obtain such

information as he may think necessary to satisfy himself whether the amount paid in is adequate in the circumstances of the case; and it shall be the duty of the employer and of the persons interested in the money paid in to answer such inquiries and give such information accordingly.

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

Form 56.

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

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

Form 56.

(7) If on consideration of the Clerk of the Peace's report it appears to the judge that further inquiry should be made, the Clerk of the Peace shall send notice to the employer and to the parties appearing by the Request to be interested in the money paid into court, according to the form in the Appendix, informing them that he has referred the matter to the judge, and requiring them to attend on a day to be named in the notice, when the matter will be inquired into by the judge. On such inquiry the judge may make such order (including an order as to the money paid into court) as under the circumstances he may think just; and paragraphs 7, 8, and 9 of Rule 50 shall apply.

Form 55.

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

(a) If any question arises as to the adequacy of the amount paid into court, the question as to the amount payable as compensation, and all questions as to who are dependants and the amount payable to each dependant, shall be settled by arbitration in accordance with the Act and these Rules; and the amount allotted to each dependant shall be invested, applied, or otherwise dealt with by the court for the benefit of the person entitled thereto in accordance with paragraph 1 of the second schedule to the Act and paragraphs 8 to 10, 12 and 13 of the last preceding rule.

(b) If no question arises as to the adequacy of the amount paid into court, the amount paid into court shall be allotted, invested, applied, or otherwise dealt with by the court in accordance with paragraphs 7 to 10, 12 and 13 of the last preceding rule.

Form 57.

(9) An employer paying money into court under this rule shall not (except under paragraph 9 of Rule 50, or where a question arises as to the adequacy of the amount paid in, and such question is decided adversely to the employer by arbitration under paragraph 8 of this rule), be liable to any costs incurred by any person interested in such money after receipt of notice of payment into court ; but the judge may, in his discretion, order such employer to pay the costs of any such person properly incurred before the receipt of such notice.

61. *Payment into court where liability denied.* (1) Where a claim for compensation has been made by or on behalf of dependants, and the employer denies liability, but is willing to pay an amount in settlement of the claim, and such of the dependants as are not under disability are willing to accept such amount in settlement, the employer may pay such amount into the court to which, if an agreement had been come to in the matter, a memorandum of such agreement would be sent to be recorded. Rule 59, sub-rule 1 shall apply to such payment.

Form 54.

(2) Where money is to be paid into court under this rule, the employer shall lodge with the Clerk of the Peace, a Request in duplicate according to the form in the Appendix, containing a statement of the particulars mentioned in that form, and Rule 59, sub-rules 2 and 3 shall apply accordingly.

Form 57.

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

PAYMENT INTO COURT AND APPLICATION OF WEEKLY PAYMENTS PAYABLE TO PERSON UNDER LEGAL DISABILITY. SECTION 26 SUB-SECTION 2.

Form 58.

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

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

(3) In any other case the application may be made on notice in writing, which shall be served on the other party or his solicitor five clear days at least before the hearing of the application, unless the judge gives leave for shorter notice ; and the provisions of Rule 49 shall apply to any such application. Except in so far as the judge otherwise orders, such payment into court shall *mutatis mutandis* be made in accordance with Rule 59, sub-rules 1, 2 and 3.

(4) Where any weekly payment is ordered to be paid into court, the sums paid in shall be paid out to or otherwise applied for the benefit of the person entitled thereto in such manner as the judge shall direct; and the provisions of Rule 59 as to the payment out or application of sums by periodical payments shall apply.

Payment into court by solicitor or agent of employer. (5) Where money is to be paid into court under Rules 56, 59, 60, or 61, it may be paid in by the employer or his solicitor, or by an agent of the employer duly authorised on his behalf; and where payment is made by a solicitor or an agent, the Request shall state that the money is paid in at the request and by the authority of the employer, and the Request shall be signed by the solicitor or agent accordingly.

APPLICATION FOR VARIATION OF ORDER UNDER SECTION 22.

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

(2) The application shall be made in court on notice in writing, stating the circumstances under which the application is made, and the relief or order which the applicant claims. Form 59.

(3) The notice shall be filed with the Clerk of the Peace, and shall be served on all persons interested in accordance with Rule 49; and the provisions of that rule and of Rule 59 shall apply to the proceedings on such application.

(4) In the case of the death of a dependant for whose benefit any amount has been ordered to be invested, applied or otherwise dealt with by the Court, the balance of such amount remaining at the death of the dependant shall be subject to any order which may have been or may be made by the Court for the variation of the order or award pursuant to section 22 of the Act, and to this Rule. In default of and subject to any such order the Court may on application made in accordance with paragraphs 2 and 3 of this Rule, without the filing of a petition, order that such balance be paid out or transferred to the legal personal representative of the deceased dependent, or provided that if there shall be no personal representative the Court may without Probate or Letters of Administration distribute such sum in accordance with the provisions of para. 2 of the second Schedule of the Act.

INVESTMENT AND APPLICATION OF LUMP SUM PAID IN REDEMPTION OF WEEKLY PAYMENT. SECTION 13.

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

to the Act and of Rule 59 shall apply to the investment and application of such lump sum.

65. *Money paid into Court, how to be invested.* Any sum which under the second Schedule to the Act and these Rules is ordered to be invested may be so invested—

- (1) In the Post Office Savings Bank or in the purchase of an annuity in accordance with paragraphs 4 and 5 of the said Schedule ; or
- (2) In any of the following Government Stocks, viz. :—Two and a half per cent. Consolidated Stock : Two and three-quarters per cent. annuities : Two and a half per cent. annuities : or War Loan Inscribed Stocks : any such investment to be made in the name of the Judge and Clerk of the Peace ; or
- (3) With the consent of the Ministry of Finance but not otherwise, in any stocks, funds, or securities (other than mortgages of freehold, copyhold, or leasehold estates) in which cash under the control or subject to the orders of the High Court may be invested or on deposit with any Joint Stock Bank approved of by such Minister of Finance. Any such investment to be made in the names of the County Court Judge and the Clerk of the Crown and Peace

and no such sum shall be invested otherwise than in accordance with this Rule.

PROCEEDINGS WHERE WORKMAN RECEIVING WEEKLY PAYMENT
INTENDS TO CEASE TO RESIDE IN UNITED KINGDOM.
SECTION 16:

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

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

(3) The application shall be made on notice in writing, according to the form in the Appendix, which shall be filed with the Clerk of the Peace, and shall be accompanied by a report of a medical practitioner selected by the workman, setting out the nature of the incapacity alleged to be the result of the injury ; and a copy of the application and of the report shall be served on the employer or his solicitor in accordance with Rule 49, and the applicant shall file a copy of the application and of the report for the use of the medical referee.

(4) The employer may, on being served with notice of the application, require the workman to submit himself for examination by a medical practitioner provided and paid by the employer, in accordance with section 18 of the Act ; and if the employer requires the workman to submit himself for such examin-

ation he shall before or at the hearing of the application furnish the workman with a copy of the report of that practitioner as to the workman's condition, and, file a copy of the report for the use of the medical referee.

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

(6) On the hearing of the application the Clerk of the Peace, on being satisfied that the applicant has a *bona fide* intention of ceasing to reside in the United Kingdom, the Channel Islands, or the Isle of Man shall on payment by the applicant of the fee payable under paragraph 7 of the first schedule to the Act make an order referring the question to a medical referee; and if he is not so satisfied, he may refuse to make an order, but in that case he shall, if so requested by the applicant, refer the matter to the judge, who may make such order, or give such directions as he may think fit.

Form 61.

(7) If the Clerk of the Peace or the judge makes an order referring the question to a medical referee, he shall also make an order directing the workman to submit himself for examination by the medical referee, subject to and in accordance with any regulations made by the Ministry of Labour, Northern Ireland; and the provisions of paragraphs 3 to 6 of Rule 56 shall with the necessary modifications apply.

Form 49.

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

(9) The medical referee shall forward his certificate in the matter to the Clerk of the Peace by registered post, specifying therein the nature of the incapacity of the workman resulting from the injury; and whether such incapacity is likely to be of a permanent nature; and the Clerk of the Peace shall thereupon proceed in accordance with paragraph 8 of Rule 56.

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

- (a) with a copy of the certificate of the medical referee, certified by the Clerk of the Peace in his own handwriting to be a true copy; and
- (b) with a copy of the award, memorandum, or certificate under which the weekly payment is payable, certified by the Clerk of the Peace in his own handwriting to be a true copy; and
- (c) with a certificate of identity according to the form in the Appendix; and
- (d) with a notice according to the form in the Appendix, annexing thereto forms of certificate and declaration according to the forms in the Appendix;

Form 62.

Form 63.

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

Form 64.

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

Form 65.

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

Form 66.

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

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

Form 67.

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

PAYMENT OF ARREARS OF WEEKLY PAYMENTS ON DEATH OF WORKMAN RESIDING OUT OF UNITED KINGDOM.

67.—(1) In the event of the death of a workman in receipt of weekly payments while residing out of the United Kingdom, his representatives shall, for the purpose of obtaining payment of the arrears due to the workman, forward to the Clerk of the Peace a certificate of the death of the workman, and documents showing that they are entitled to such arrears, verified by declaration before a person having authority to administer an oath,

with a request for payment of such arrears, specifying the place where and the manner in which the amount is to be remitted to them.

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

(a) if the workman leaves a will, the executors of such will; or

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

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

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

THE WORKMEN'S COMPENSATION (ANGLO-FRENCH CONVENTION) ACT, 1909, AND ORDER IN COUNCIL (22ND NOVEMBER, 1909).

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

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

70. *In what court proceedings to be taken.* The court in which proceedings are to be taken shall be determined in accordance with Rule 86 of these Rules.

71. A respondent who intends to rely as a defence on paragraph (1) of the Order in Council dated the 22nd day of November, 1909, made under the Workmen's Compensation (Anglo-French Convention) Act, 1909 (in these Rules referred to as "the Order in Council"), shall state the facts on which he intends to rely in his answer in accordance with Rule 17.

72. Any lump sum payable in redemption of a weekly payment payable to a workman who is a French citizen, which is to be paid into court pursuant to paragraph (3) of the Order in Council, shall when so paid be invested by the Clerk of the Peace in the purchase of two immediate annuities of equal value on the life of and in the name of the workman from the National Debt

Commissioners through the Post Office Savings Bank, the first half-yearly instalment of the first of such annuities to be payable on the second quarterly day of payment next following the day of purchase, and the first half-yearly instalment of the second of such annuities to be payable on the third quarterly day of payment next following the day of purchase.

Post Office Regulations, 1888 and 1895. When applying to the Post Office Savings Bank for the purpose of any such annuities the Clerk of the Peace shall inform the department that the case is one under the Order in Council; and the workman shall sign such documents and furnish such evidence as may be required by the Post Office Annuity and Insurance Regulations, 1888 and 1895, to enable such annuities to be so purchased.

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

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

Form 68.

74. Transmission to France of sum payable as compensation to dependants of French citizen who reside in or return to France.

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

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

Form 68.

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

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

(3) The workman may apply to the Clerk of the Peace for a

certificate of a medical referee as to the nature of the incapacity resulting from the injury.

(4) The application shall be made on notice in writing, according to the form in the Appendix, which shall be filed with the Clerk of the Peace, and a copy of the application shall be served on the employer in accordance with Rule 49; and the applicant shall file a copy of the application for the use of the medical referee.

Form 69.

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

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

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

Form 70

(8) The Clerk of the Peace 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 Ministry of Labour, Northern Ireland; and the provisions of paragraphs 5 and 6 of Rule 56 shall apply.

Form 49

(9) The medical referee shall forward his certificate in the matter to the Clerk of the Peace by registered post, specifying fully therein the nature of the incapacity (if any) of the workman resulting from the injury; and the Clerk of the Peace shall thereupon proceed in accordance with paragraph 8 of Rule 56.

(10) Where the medical referee certifies that the workman is suffering from incapacity resulting from the injury, the Clerk of the Peace shall, on the application of the workman, made on notice in writing and served on the employer two clear days at least before the hearing of the application, fix the intervals at which the workman shall be bound to produce, in support of his demand for payment of the amount of compensation due to him, a medical certificate that the incapacity resulting from the injury continues. These certificates shall be required at such intervals, not being less than 3 months nor more than 12 months from the

Form 71.

Form 72.

date to which payment was last made, as the Clerk of the Peace may determine, having regard to the nature of the incapacity.

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

- (a) a copy of the certificate of the medical referee, certified by the Clerk of the Peace in his own handwriting to be a true copy ;
- (b) a copy of the award under which the weekly payment is payable, certified by the Clerk of the Peace in his own handwriting to be a true copy ;
- (c) a certificate of identity according to the form in the Appendix ; and .

Form 73.

(d) a notice according to the form in the Appendix ; and shall procure from the workman a specimen of his signature, and file the same for reference.

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

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

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

(15) On receipt of the documents mentioned in paragraph 13 or paragraph 14 the Clerk of the Peace shall send to the employer a notice according to the form in the Appendix, requesting him to forward the amount due ; and the employer shall thereupon forward the amount to the Clerk of the Peace, who

shall remit the same without charge to the consular authority, to be remitted to the workman or his representatives.

ANGLO-DANISH WORKMEN'S COMPENSATION CONVENTION DATED
18TH NOVEMBER, 1925, AND ORDER IN COUNCIL, DATED 1ST
JUNE, 1926.

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

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

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

(3) The Court in which proceedings are to be taken shall be determined in accordance with Rule 86.

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

Form 77.
Form 78.

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

Form 79.

(5) The undertaking shall be accompanied by—

(a) the request, and a Danish translation thereof;

(b) a copy of the interrogatories (if any) to accompany the request and a Danish translation thereof;

(c) a copy of the cross-interrogatories (if any) and a Danish translation thereof.

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

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

such manner as the said Council may think fit, and in accordance with the directions (if any) of the judge.

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

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

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

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

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

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

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

(4) On receipt of the money the Clerk of the Peace shall send notice in writing thereof to the workman or dependants, and shall

require him or them to attend at the Court in order that he or they may give the Clerk of the Peace such information as he shall require and receive any money payable to him or them.

COSTS.

76.—(1) Any costs of and incident to an arbitration and the proceedings connected therewith directed by the judge or by an arbitrator or by a committee to be paid by any 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 proceedings in the County Court as the judge, arbitrator or committee shall direct; and in default of such direction shall be taxed according to the scale which would be applicable if the proceedings had been an equity suit in the County Court; and the Statutory provisions and rules for the time being in force as to the allowance and taxation of costs in such suits shall apply accordingly.

Form 74.

(2) The judge, committee or arbitrator may, where by reason of special circumstances he or they consider it just to do so, at the hearing allow a special fee for advising on evidence; and he or they may under such circumstances order that any expert or scientific witnesses may be allowed for qualifying to give evidence and for attending the trial such fees (in addition to travelling expenses to attend the trial) as he or they may think just, and may order that the reasonable expense of preparing and proving plans, drawings and models shall be allowed.

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

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

(5) The committee, arbitrator, or judge, in dealing with the question of costs, may take into consideration any offer of compensation proved to have been made on behalf of the employer.

(6) Where any workman is examined by a medical referee on a reference under Section 17 of the Act, and the certificate of the referee is used in any subsequent arbitration, any reasonable travelling and other expenses incurred by the workman in obtaining such certificate (if not otherwise provided for) may, by order of the committee, arbitrator, or judge, be allowed as costs in the arbitration.

(7) Where a workman is ordered to submit himself for examination by a medical referee appointed to report under the Act,

any reasonable expenses incurred by such workman in travelling to attend on such referee for examination may, by order of the committee, arbitrator, or judge, be allowed as costs in the arbitration.

Taxation of costs awarded by committee or arbitrator agreed on by parties. (8) Where any costs are awarded by a committee or an arbitrator agreed on by the parties, it shall be the duty of the Clerk of the Peace of the court in which a memorandum of the decision of the committee or arbitrator is recorded pursuant to the Act, on application made to him, to tax such costs, and to enter in the register the amount of such costs allowed on taxation; and such entry shall be deemed to be part of such memorandum, and shall be enforceable accordingly.

REVIEW OF TAXATION BY JUDGE.

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

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

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

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

AUTHORITY OF SOLICITOR TO RECEIVE SUM PAID IN RESPECT OF COSTS.

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

COSTS OF SOLICITOR OR AGENT UNDER SCHEDULE I.

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

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

(3) Where the sum awarded as compensation has been awarded by the judge the application may be made (a) to the judge at or immediately after the hearing of the arbitration; or (b) at a subsequent date.

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

(5) An application made to the judge, other than an application under paragraph 3 (a) of this rule, shall be made in court on notice in writing in accordance with Rule 49.

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

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

(8) Any costs awarded to a solicitor on any such application shall, in default of agreement between the parties as to the amount of such costs, be taxed according to such one of the scales of costs applicable to proceedings in the County Court as the committee, arbitrator, or judge shall direct; and in default of such direction such costs shall be taxed according to the scale which would be applicable if the proceeding had been an equity suit in the County Court; and the statutory provisions and rules for the time being in force as to the allowance and taxation of costs in such actions, and as to objections to and review of taxation by the Clerk of the Peace, shall apply accordingly; and any taxation shall be subject to review by the judge according to Rule 77.

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

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

- (a) The Clerk of the Peace shall, on application made to him, tax such costs.
- (b) A copy of the order, and, when the amount to which such solicitor is entitled has been ascertained by taxation, a memorandum of such amount shall, at the request and cost of the solicitor, be issued by the Clerk of the Peace for service on the party liable to pay the sum awarded or agreed as compensation; and

- service thereof may be effected on such party in accordance with Rule 15.
- (c) A memorandum of such order, and when such amount has been ascertained a memorandum of such amount shall be recorded in the register in which the memorandum or award under which the sum awarded as compensation is payable is recorded, and such last mentioned memorandum or award shall have effect subject to such order and memorandum.
 - (d) The party liable to pay such compensation shall on demand pay to the solicitor the amount to which he is entitled, but so that such party shall not be liable to pay any amount in excess of that which he is liable to pay for compensation, or to pay such amount by any other instalments than those by which he is liable to pay such compensation.
 - (e) If the party liable to pay such compensation fails on demand to pay any amount which he is liable to pay to such solicitor, the judge may, on application made to him on notice to such party in accordance with Rule 49, and on proof of the order having been served on and demand for payment made to such party, order such party to pay such sum ; and in default of payment the judge may order execution to issue to levy such amount.
 - (f) Payment made by or execution levied on the party liable to pay such compensation shall be a valid discharge to him, as against the party entitled to such compensation, to the amount paid or levied.
 - (g) Where the sum awarded as compensation has been paid into court, the amount to which the solicitor is entitled shall be paid to him out of such sum.

EXECUTION.

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

Form 75.

(2) An application for leave to issue execution shall be made by notice in writing, and Rule 15 as to service shall apply. The party applying for execution shall satisfy the court by affidavit or otherwise as to the amount in payment of which default has been made, and the Court may thereupon make such Order as may in the circumstances seem just.

(3) If in the case of a weekly payment the party liable to execution alleges that incapacity has wholly or partially ceased, the judge may, on such terms as to payment into court or otherwise as may be just, adjourn the application for such time as he may think fit, to enable the party liable to execution to file a request for arbitration with respect to the review of the weekly

payment. Any such adjournment shall be without prejudice to the right of the party applying for leave to issue execution to renew his application on good cause shown.

PROCEEDINGS UNDER DEBTORS (IRELAND) ACT, 1872, SECTION 6.

82.—(1) The proceedings to commit to prison under Section 6 of the Debtors (Ireland) Act, 1872, against a party liable to pay compensation or costs under any award, memorandum, or certificate, who has made default in payment of the amount awarded, or, where payment is to be made by instalments, of any instalment, shall be commenced by an application on notice, and the County Court Rules for the time being in force as to committal under the said Act shall, with any necessary modifications, apply to such proceedings: Provided, that the court shall not alter the terms or mode of payment of any sum to become payable in future under any award, memorandum, or certificate, otherwise than by consent, or under section 11 of the Act.

(2) Where the amount in payment of which default has been made is not payable into court, the party applying for an instalment or committal order shall satisfy the court as to the amount in payment of which default has been made.

(3) A notice under this rule and an order of the court shall be according to one of the forms in the Appendix, and the costs allowable shall be according to the scale in force for civil bills for an instalment or a committal order.

Form 76.

SETTING ASIDE AWARD OR ORDER IMPROPERLY OBTAINED.

83.—(1) Where the judge is satisfied—

- (a) that any award, or any order as to the application of any amount awarded or agreed upon as compensation, made by him, has been obtained by fraud or other improper means; or
- (b) that any person has been included in any award or order as a dependant who is not in fact a dependant as defined by the Act; or
- (c) that any person who is in fact a dependant as defined by the Act has been omitted from any award or order,

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

(2) An application to set aside or vary an award or order under this rule shall be made in court on notice in writing, and the provisions of Rule 49 shall apply to the proceedings on such application.

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

APPEALS.

84. Appeals under paragraph 1 of the fourth schedule to the Act shall be had in accordance with the provisions of the Rules of the Supreme Court relating thereto.

85. *Deposit of Order of Court of Appeal with Clerk of the Peace and procedure thereon.* (1) When the Court of Appeal has given judgment on any appeal, any party may deposit the order of the Court of Appeal, or an office copy thereof, with the Clerk of the Peace; and the Clerk of the Peace shall file such order or copy, and such order shall have the same effect as if it had been a decision of the judge.

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

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

(4) If such order directs or involves a re-hearing or further hearing of an arbitration or special case or other matter, the same shall take place at the next sessions held after the filing of the order.

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

IN WHAT COURT PROCEEDINGS MAY BE TAKEN.

86. Any matter which under the Act or these rules is to be done in a county court, or by to or before the judge or Clerk of the Peace of a county court, may be done in the county court or by to or before the judge or Clerk of the Peace of the county court hereinafter mentioned, viz. :—

(1) (i) the court in the division of the county in which all the parties concerned reside or carry on business : or

(ii) if the parties concerned reside or carry on business in different divisions,

(a) the court in the division in which the accident out of which the matter arises occurred, or, in the case of any such workman as in paragraph 1 of Rule 40 mentioned, the court in the division in which the workman was last employed in the employment to the nature of which the disease was due ; or

(b) the court in the division in which the party or one of the parties against whom relief is sought resides or carries on business at the time when the matter is to be done ; or

- (c) where one of the parties concerned resides or carries on business in a division of any of the Courts, and the other party concerned resides in a division of any other of such Courts, the Court in the division of which either of such parties resides or carries on business.

(2) If the accident out of which the matter arises occurred at sea, any such matter as in paragraph 1 of this rule mentioned may, without prejudice to the preceding provisions of this rule, be done in the county court, or by to or before the Judge or the Clerk of the Peace of the county court.

(i) in the division in which the ship shall be when the matter is to be done; or

(ii) in the division comprising the port of registry of the ship; or

(iii) in the division in which the workman or the dependants of the workman by whom or on whose behalf the matter is to be done, or some or one of them, resides or reside.

(3) In the case of accidents to workmen employed as pilots, commanders, navigators, or members of the crew of an aircraft when outside Northern Ireland entitled to or claiming compensation under the Workmen's Compensation (Aircraft) Order 1924, any such matter as in paragraph (1) of this Rule mentioned may, without prejudice to the preceding provisions of this Rule, be done in the county court, or by to or before the judge or Clerk of the Peace of the county court of the district in which the workman or the dependants of the workman by whom or on whose behalf the matter is to be done, or some or one of them, resides or reside.

Detention of Ships. (4) An application for an order for the detention of a ship may, subject to the provisions of the rules for the time being in force under the Shipowners Negligence (Remedies) Act, 1905, be made to the Judge of any Court.

Proceedings against persons giving security. (5) Where proceedings by way of arbitration for the recovery of compensation are taken against the persons giving security pursuant to the Shipowners Negligence (Remedies) Act, 1905, or section 40 of the Act and Rules 38 and 39, such proceedings may be commenced.

(i) in any court in which proceedings may be commenced pursuant to sub-paragraphs (1) and (ii) of paragraph 1 of this rule; or

(ii) if the accident occurred at sea,

(a) in the court in the division of which the vessel is or was detained, or in which the order for detention was made or applied for; or

(b) in the court of the division in which the workman or the dependants of the workman, or some or one of them, resides or reside.

(5) The provisions of this rule shall be without prejudice to any transfer in manner provided by these Rules.

PROCEEDINGS IN ONE COURT AS TO SUBJECT-MATTER OF AWARD,
MEMORANDUM OR CERTIFICATE RECORDED IN ANOTHER COURT.

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

TRANSFER OF PROCEEDINGS.

88.—(1) If the Judge of a Court in Northern Ireland is satisfied that a matter under the Act pending in that Court can proceed more conveniently in any other such Court he may order the matter to be transferred to such other Court.

(2) Upon the making of the order, the Clerk of the Crown and Peace shall transmit by registered post to the Clerk of the Crown and Peace of the Court named in the order all original documents filed in the matter and a certified copy of all records made with reference to the matter, and shall transfer to the Court named in the order any money invested in the Judge's and his name; application for such transfer may be made by any party by service of Notice of Motion directed to all parties who may be affected by such application, and served on them and the Clerk of the Crown and Peace three clear days before the date named for hearing of such application.

(3) When a matter has been transferred to a Court in Northern Ireland whether from another such Court or otherwise the matter shall proceed in the Court to which it has been transferred as if it had originally been commenced therein.

TRANSFER OF MONEY PAID INTO COURT.

89.—(1) The provisions of the last preceding rule shall apply to the transfer of money paid into court from one court in Northern Ireland to another, and to proceedings with respect to the application of such money.

(2) Where any money ordered to be transferred from one court to another is invested in the Post Office Savings Bank in the name of the Judge and the Clerk of the Peace, such moneys shall be transferred into the name of the proper officer or officers

of the court to which the money is ordered to be transferred in accordance with regulations made or to be made by the Postmaster-General with the consent of the Treasury; and where any money ordered to be transferred is not so invested it shall forthwith be so invested, and shall when invested be transferred in accordance with this rule.

(3) Where any money invested otherwise than in the Post Office Savings Bank is ordered to be transferred from one court to another, the investments representing the same shall be transferred from the name or names in which they stand into the name of the Clerk of the Peace or other proper officer of such other court.

89A.—(1) Where money has been paid into a Court in Northern Ireland under the Act, the Judge if satisfied that the money can be more conveniently dealt with by a County Court in England or Wales or by a Sheriff Court in Scotland may order the money to be transferred to that Court.

(2) Where an order has been made under the last preceding paragraph, the Clerk of the Crown and Peace shall transmit by registered post to the Registrar or Sheriff Clerk of the Court in Great Britain all original documents filed in the matter and a certified copy of all records made with reference to the money transferred, and the provisions of paragraph (2) of Rule 89 shall apply.

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

90. *Filing and Service of Documents and Notices.* (1) Where any document is to be filed with the Clerk of the Peace under these Rules, that document may be so filed by delivering it at the office of the Clerk of the Peace, or by sending it by post addressed to the Clerk of the Peace at his office.

(2) Where any document is to be so filed, there shall be filed with the original document a copy for the use of the judge.

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

(4) Any proceeding, document, or notice which is under these Rules to be served on any party may be served on such party by

the opposite party or his solicitor; and where no special provision as to the mode of service is made by these Rules, any such proceeding, document, or notice may be served on such party, or where he acts by a solicitor, on his solicitor, in manner provided by sub-sections 3 and 4 of section 14 of the Act with reference to service of notice in respect of an injury.

PROCEDURE GENERALLY.

91. Rules 7 and 32 shall apply to all proceedings under the Act and these Rules in the like manner as to proceedings by way of arbitration.

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

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

93. *Procedure where not otherwise provided for.* Where any matter or thing is not specially provided for under these Rules, the same procedure shall be followed and the same provisions shall apply, as far as practicable, as in a similar matter or thing under the County Courts (Ireland) Acts, 1851 to 1889, and the County Courts Northern Ireland Act, 1925, and the rules made in pursuance of those Acts.

RECORD OF PROCEEDINGS.—SPECIAL REGISTER.

94. Proceedings under the Act before the judge shall be recorded in the books of the court in the manner in which other proceedings in the court are recorded; and the Clerk of the Peace shall also keep a special register for the purposes of the Act, in which he shall record—

- (1.) A memorandum of every application made to the judge for the settlement of any matter by arbitration;
- (2.) A memorandum of every proceeding taken in any arbitration before the judge prior to the award;
- (3.) A memorandum of every appointment of a medical referee by the judge and of his report, and if a medical referee is summoned or requested to attend any proceeding in the arbitration, of such summons or request and attendance;

- (4.) A memorandum of every award made by the judge ;
- (5.) A memorandum of every special case submitted to the judge, and of the proceedings and order thereon ;
- (6.) A memorandum of every judgment given by the Court of Appeal on any appeal ;
- (7.) A memorandum of every application to the court for the examination of an employer pursuant to Rule 35, paragraph 2, and of the order and proceedings thereon ;
- (8.) A memorandum of every application to the court for the detention of a ship pursuant to section 40 of the Act and Rules 38 and 39, and of the order and subsequent proceedings thereon ;
- (9.) A memorandum of every application to the judge for the appointment of an arbitrator in case of the death or refusal or inability to act of an arbitrator agreed on by the parties, and of the proceedings and order thereon ;
- (10.) A copy of every memorandum sent to the Clerk of the Peace pursuant to section 23 of the Act, and of the report (if any) of the medical referee annexed thereto, with a note stating whether such memorandum was recorded without further proof, or after inquiry, or by order of the judge ;
- (11.) If such memorandum is recorded after inquiry a memorandum of the inquiries made and of the result thereof ;
- (12.) If such memorandum is recorded by order of the judge, a memorandum of the application to the judge, and of the order made thereon ;
- (13.) If in the case of a memorandum of an agreement the Clerk of the Peace refers the matter to the judge, a memorandum of such reference, and of the directions of the judge, and the subsequent proceedings and order thereon ;
- (14.) A memorandum of the result of every taxation or review of taxation of costs under any such memorandum, or under any award or order ;
- (15.) A memorandum of every application to rectify the register in respect of any memorandum, and of the proceedings and order thereon ;
- (16.) A memorandum of every application or report with reference to the removal of the record of a memorandum of an agreement from the register, and of the subsequent proceedings and order thereon ;
- (17.) A memorandum of every application to the judge under paragraph 8 of the first schedule to the Act, to determine the amount of costs to be paid to a solicitor

- and of the proceedings and order thereon, and of the result of any taxation or review of taxation under such order ;
- (18.) A copy of every certificate under sub-section 2 of section 29 of the Act given by the court or sent to the Clerk of the Peace from any other court ;
 - (19.) A memorandum of every proceeding taken in the court for the enforcement of any award, order, memorandum, or certificate, and of the result of such proceeding ;
 - (20.) A memorandum of every application to refer a matter to a medical referee pursuant to section 19 of the Act, and of the order and subsequent proceedings thereon ;
 - (21.) A memorandum of every application to the court for the suspension of the right to compensation or to take or prosecute any proceedings under the Act in relation to compensation, or of the right to weekly payments, and of the proceedings and order thereon ;
 - (22.) A memorandum of every sum paid into court pursuant to section 26 of the Act, or under any award, memorandum, or certificate ;
 - (23.) A memorandum of every application made to the court with reference to any such sum, and of every order made on such application, and of the manner in which such sum is invested, applied, or disposed of ;
 - (24.) A memorandum of every application for the payment of any weekly payment into court, and of the proceedings and order thereon, and of the directions given as to the payment out or application of any such weekly payment ;
 - (25.) A memorandum of every application for variation of an order of the court as to the apportionment, investment, or application of any sum paid as compensation, and of the proceedings and order thereon ;
 - (26.) A memorandum of every application to refer a matter to a medical referee pursuant to section 16 of the Act in the case of a workman intending to cease to reside in the United Kingdom, and of the order and the proceedings thereon ; and of every certificate and declaration of identity and request for payment received from such workman, and of the proceedings thereon ;
 - (27.) A similar memorandum as to the investment or transmission to France of any sum payable in redemption of a weekly payment to a workman who is a French citizen, or of any sum payable as compensation to the dependants of a deceased workman who was a French citizen, or of the proceedings where a workman who is

- a French citizen is in receipt of a weekly payment and intends to return to France ;
- (28.) A memorandum of every application to set aside or vary an award or order under Rule 83, and of the proceedings and order thereon ;
 - (29.) A memorandum of every certified copy given pursuant to Rule 87, or a copy of every certified copy filed pursuant to that rule ;
 - (30.) A memorandum of every application for transfer, and of the order thereon, and the proceedings under such order ;
 - (31.) A memorandum of the transmission of documents and certified copies pursuant to paragraph 9 of Rule 38 or paragraphs (iii.) or (iv.) of Rule 39 ;
 - (32.) A memorandum of the transfer of any money paid into court to any other court ;
 - (33.) The like memorandum as to every matter transferred, or document or certified copy transmitted or money transferred to the court, as would have been recorded as to such matter, document, or money if it had been originally commenced and prosecuted in or transmitted to or paid into the court ;
 - (34.) A memorandum of any other matter which the judge shall order to be recorded with reference to any matter brought into or proceeding taken in the court under the Act.

SUMMONING OF AND REFERENCES TO MEDICAL REFEREES.

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

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

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

Regulations of Ministry of Labour and Ministry of Finance, Northern Ireland. (2) Where a medical referee is summoned as an assessor, or any matter is referred to a medical referee, such referee shall be summoned or the matter shall be referred subject to and in accordance with any regulations made by the Ministry of Labour, Northern Ireland, and the Ministry of Finance, Northern Ireland; and any such regulations shall, so far as they affect the County Court, and proceedings in the County Court, have effect as Rules of Court.

References under Act, s. 44 (1) (f). (3) In particular, if such regulations as in the preceding paragraph mentioned provide that an employer or a workman who desires any matter to be referred to a medical referee under paragraph (f) of sub-section 1 of section 44 of the Act shall apply to the Clerk of the Peace of a county court for the matter to be so referred, it shall be the duty of the Clerk of the Peace to refer the same in accordance with such regulations.

Record and returns as to references. (4) The Clerk of the Peace shall keep a record in the form prescribed by regulations made by the Ministry of Labour, Northern Ireland, of all cases in which medical referees are summoned as assessors or matters are referred to medical referees, and shall forward a copy of the same to the Ministry of Labour, Northern Ireland, at such times as may be prescribed by such regulations.

MATTERS, HOW DISTINGUISHED.

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

FORMS.

97. *Forms in the Appendix or like forms may be used.* (1) The forms in the Appendix, where applicable, and where they are not applicable forms of the like character, with such variations as the circumstances may require, may be used in proceedings under the Act.

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

EMPLOYMENT OF SOLICITOR.

98. Where these Rules provide for the doing of any act by a party, that act may be done by the solicitor for the party.

APPENDIX.

Rule 9 (1)

FORM 1.

Application for Arbitration by Injured Workman with respect to the Compensation payable to him.

In the County Court of
Division of

In the matter of the Workmen's Compensation Act, 1927.

No. of Matter

In the matter of an Arbitration between

[A.B.

of (address)

(description)

and

Applicant,

C.D. & Co., Limited,

of (address)

(description)

Respondent.

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

2. A question has [or Questions have] arisen

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

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

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

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

[or as the case may be.]

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

4. Particulars are hereto appended [or annexed].

PARTICULARS.

1. Name and address of applicant.
2. Name, place of business, and nature of business of respondent.
3. Nature of employment of applicant at time of accident, and whether employed under respondent or under a contractor with him.
[If employed under a contractor who is not a respondent, name and place of business of contractor to be stated.]
4. Date and place of accident, nature of work on which workman was then engaged, and nature of accident and cause of injury.
5. Nature of injury.

Rule 9 (1).

PARTICULARS—continued.

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

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

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

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

10. Amount claimed as compensation.

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

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

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

Of the Applicant,
of his Solicitor,

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

Dated this day of
(Signed)

Applicant.

[Or

Applicant's Solicitor.]

NOTE.—The matter of the above application will be heard by the County Court Judge at the sessions to be held at the Court House in on the day of 19 at the hour of o'clock, and if the respondents being duly served herewith do not attend in person or by their solicitors, such order will be made and proceedings taken in their absence as the judge may think fit.

(Signed).

Clerk of the Peace for said County and Division.

FORM 2.

Application for Arbitration by or on behalf of Dependants of Deceased Workman, with respect to the Compensation payable in respect of the Injury to such dependants, where death has resulted from an Injury to the Workman, and the Settlement of Questions as to who are Dependants, and the Apportionment and Application of such Compensation.

In the County Court of
Division of

In the matter of the Workmen's Compensation Act, 1927.

No. of Matter.

In the matter of an Arbitration between

E.F.
of (address)
(description)

and

Applicant.

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

G.H.
of (address)
(description)

Respondents.

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

1. On the _____ day of _____ personal injury by _____ Rule 9(4).
 accident arising out of and in the course of his employment was caused to
 A.B. _____, late of _____, deceased, a workman
 employed by C.D. & Co., Limited,
 [or by _____ a contractor with C.D. & Co., Limited,
 for the execution of work undertaken by them], and on the _____ day
 of _____ the death of the said A.B. resulted from
 the injury.

2. A question has [or Questions have] arisen

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

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

[or as the case may be.]

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

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

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

4. Particulars are hereto appended [or annexed].

PARTICULARS.

1. Name and late address of deceased workman.
2. Name, place of business, and nature of business of respondent from whom compensation is claimed.
3. Nature of employment of deceased at time of accident, and whether employed under respondent or under a contractor with him. [If employed under a contractor who is not a respondent, name and place of business of contractor to be stated.]
4. Date and place of accident, nature of work on which deceased was then engaged, and nature of accident and cause of injury.
5. Nature of injury to deceased, and date of death.
6. Earnings of deceased during the 3 years next preceding the injury, if he had been so long in the employment of the employer by whom he was immediately employed, or if the period of his employment had been less than the said 3 years, particulars of his average weekly earnings during the period of his actual employment under the said employer.

Rule 9 (1).

PARTICULARS—*continued.*

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

8. Name and address of applicant for arbitration.

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

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

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

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

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

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

The names and addresses of the applicant and his solicitor are

Of the Applicant,

Of his Solicitor,

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

C.D. & Co., Limited,

G H.,

Dated this

day of

(Signed)

Applicant.

[Or

Applicant's Solicitor.]

NOTE.—The matter of the above application will be heard by the County Court Judge of the Division of _____ at the sessions to be held at the Court House in _____ on the _____ day of _____ 19____ at the hour of _____ o'clock, and if the respondents being duly served herewith do not attend in person or by their solicitors, such order will be made and proceedings taken in absence as the judge may think just.

(Signed).

Clerk of the Peace for said County and Division.

FORM 3.

Rule 9 (1).

Application for Arbitration as to who are Dependants, or as to the Amount payable to each Dependant, where the total amount Payable as Compensation to the Dependants of a Deceased Workman has been agreed or ascertained.

In the County Court of

Division of

In the matter of the Workmen's Compensation Act, 1927.

No. of Matter.

In the matter of an Arbitration between

E.F.

of (address)

(description)

Applicant

and

C.D. & Co., Limited,

of (address)

(description)

and

G.H.,

of (address)

(description)

J.K.,

of (address)

(description)

and

L.M.,

of (address)

(description)

Respondents.

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

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

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

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

- (a) as to who are dependants of the said A.B. _____ within the meaning of the above-mentioned Act; or
- (b) as to the apportionment and application of the compensation payable to the dependants of the said A.B. _____

[or as the case may be.]

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

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

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

4. Particulars are hereto appended [or annexed].

Rule 9 (1).

PARTICULARS.

1. Name and late address of deceased workman.

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

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

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

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

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

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

8. The like particulars as to any dependants who are made respondents.

[NOTE.—*If there is a legal personal representative, and he is not the applicant, he must be made a respondent.*]

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

10. Particulars of the manner in which the applicant claims to have the amount of compensation apportioned and applied.

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

Of the Applicant,

Of his Solicitor,

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

C.D. & Co., Limited.

G.H.

I.K.

L.M.

[*or as the case may be.*]

Dated this

day of

(Signed)

Applicant.

[*Or*]

Applicant's Solicitor.]

NOTE.—The matter of the above application will be heard by the County Court Judge of _____ at the sessions to be held at the Court House in _____ for the Division of _____ on the _____ day of _____ 19____ at the hour of _____ o'clock, and if the respondents being duly served herewith do not attend in person or by their solicitors, such order will be made and proceedings taken in their absence as the judge may think just.

(Signed),

Clerk of the Peace for said County and Division.

FORM 4.

Rule 9 (1)

Application for Arbitration with respect to the Compensation payable in respect of Expenses of Medical Attendance and Burial, where Deceased Workman leaves no Dependants.

In the County Court of

Division of

In the matter of the Workmen's Compensation Act, 1927.

No. of Matter.

In the matter of an Arbitration between

E.F.

of (address)

(description)

Applicant,

and

C.D. & Co., Limited,

of (address)

(description)

and

G.H., {

of (address)

(description)

Respondents.

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

2. The said A.B. _____ left no dependants within the meaning of the above-mentioned Act.

3. A question has [or Questions have] arisen

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

- (a) as to whether the said A.B. _____ was a workman to whom the above-mentioned Act applied; or
- (b) as to the liability of the said C.D. & Co., Limited, _____ to pay compensation under the above-mentioned Act in respect of the reasonable expenses of the medical attendance on and the burial of the said A.B. _____; or
- (c) as to the amount of compensation payable by the said C.D. & Co., Limited, _____ under the above-mentioned Act in respect of the reasonable expenses of the medical attendance on and the burial of the said A.B. _____; or
- (d) as to the apportionment and application of the compensation payable by the said C.D. & Co., Limited, _____ under the above-mentioned Act in respect of the reasonable expenses of the medical attendance on and the burial of the said A.B. _____.

[or as the case may be.]

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

5. Particulars are hereto appended [or annexed].

PARTICULARS.

- 1. Name and late address of deceased workman.
- 2. Name, place of business, and nature of business of respondent from whom compensation is claimed.

Rule 9 (1).

PARTICULARS—*continued.*

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

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

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

6. Name and address of applicant for arbitration.

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

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

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

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

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

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

Of the Applicant,

Of his Solicitor,

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

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

Dated this day of (Signed) Applicant.

[Or Applicant's Solicitor.]

NOTE.—The matter of the above application will be heard by the County Court Judge of at the sessions to be held at the Court House in 19 for the Division of on the day of o'clock, and if the respondents being duly served herewith do not attend in person or by their solicitors, such order will be made and proceedings taken in their absence as the judge may think just.

(Signed),

Clerk of the Peace for said County and Division,

FORM 5.

Rule 9 (1).

Application for Arbitration with respect to the Review, Termination, Diminution, Increase, or Redemption of a Weekly Payment.

In the County Court of
Division of

In the matter of the Workmen's Compensation Act, 1927.

No. of Matter.

In the matter of an Arbitration between

C.D. & Co., Limited.

of (address)

(description)

and

Applicants,

A.B.,

of (address)

(description)

[or as the case may be; see Act, Sched. 1, pars. 16, 17.]

An arbitration under the Workmen's Compensation Act, 1906, is hereby requested between C.D. & Co., Limited, and A.B.

[or as the case may be; see Act, Sched. 1, pars. 16, 17.]

with respect to the review and termination [or diminution, increase, or redemption, as the case may be] of the weekly payments payable to the said A.B.

under the said Act in respect of personal injury caused to him by accident arising out of and in the course of his employment.

Particulars are hereto appended [or annexed].

PARTICULARS.

1. Name and address of injured workman.

2. Name and place of business of employer by whom compensation is payable.

3. Date and nature of accident.

4. Date of agreement, decision, award, or certificate fixing weekly payment, amount of such payment, and date from which is commenced.

5. Relief sought by applicant, whether termination, diminution, increase, or redemption.

6. Grounds on which termination, diminution, or increase is claimed.

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

Of the Applicants,

Of their Solicitor,

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

Dated this day of

(Signed)

[Or

Applicants.]

Applicant's Solicitor.]

NOTE.—The matter of the above application will be heard by the County Court Judge at the sessions to be held at the Court House in of the Division of on the day of 19 at the hour of o'clock, and if the respondents being duly served herewith do not attend in person or by their solicitors, such order will be made and proceedings taken in their absence as the judge may think just.

(Signed),

Clerk of the Peace for said County and Division.

FORM 6.

Rules 9 (1)
36 (4).

Application for Arbitration by an Injured Master, Seaman, Apprentice or Pilot, with respect to the Compensation payable to him.

In the County Court of
Division of

In the Matter of the Workmen's Compensation Act, 1927.

No. of Matter.

In the matter of an Arbitration between

A.B.

of (address)

(description)

and

Applicant,

The owners of the Ship “ ”

Respondents.

Rules 9 9 (1)
36 (4).

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

2. A question has [or Questions have] arisen

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

- (a) as to whether the said A.B. _____ is a workman within the meaning of the above-mentioned Act; or
- (b) as to the liability of the owners of the said ship to pay compensation under the above-mentioned Act in respect of the said injury; or
- (c) as to the amount [or duration] of the compensation payable by the owners of the said ship to the said A.B. _____ under the above-mentioned Act in respect of the said injury.

[or as the case may be.]

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

4. Particulars are hereto appended [or annexed].

PARTICULARS.

1. Name and address of applicant.
2. Name of ship of which applicant was master [or of the crew of which applicant was a member or on which applicant was employed as pilot] at time of accident, and port of registry.
3. Nature of employment at time of accident.
4. Date and place of accident, nature of work on which applicant was then engaged, and nature of accident and cause of injury.
5. Nature of injury.
6. Particulars of incapacity for work, whether total or partial, and estimated duration of incapacity.
7. Average weekly earnings during the 12 months previous to the injury, if the applicant has been so long employed under the same owners, or if not, during any less period during which he has been so employed.
8. Average weekly amount which the applicant is earning or is able to earn in some suitable employment or business after the accident.
9. Payment, allowance or benefit received from employer during the period of incapacity.
10. Amount claimed as compensation.
11. Date of service of statutory notice of accident, and whether given before applicant voluntarily left the employment in which he was injured. (*A copy of the notice to be annexed.*)
12. If notice not served, reason for omission to serve same.

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

Of the Applicant,
Of his Solicitor,

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

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

Rules 9, 9 (1),
34 (4).

Dated this day of
(Signed)

Applicant.

[Or

Applicant's Solicitor.]

NOTE.—The matter of the above application will be heard by the County Court Judge of at the sessions to be held at the Court House in on the day of 19 at the hour of o'clock, and if the respondents being duly served herewith do not attend in person or by their solicitors such order will be made and proceedings taken in their absence as the judge may think just.

(Signed),
Clerk of the Peace for said County and Division.

FORM 7.

Application for Arbitration by or on behalf of Dependants of Deceased Master, Seaman, Apprentice, or Pilot.

Rules 9, 34,
9 (1), 34 (4).

In the County Court of
Division of

In the matter of the Workmen's Compensation Act, 1927.

No. of Matter.

In the matter of an Arbitration between
E.F.

of (address)
(description)

and

Applicant.

The owners of the Ship "
and

G.B.

of (address)
(description)

Respondents.

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

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

[or 1. the ship " " which left the port of on or about the day of , was lost with all hands on or about the day of [or was last heard of on or about the day of , and is believed to have been lost with all hands.]

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

2. A question has [or Questions have] arisen

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

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

[or as the case may be.]

Rules, 9 9, (1)
34(4).

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

4. Particulars are hereto appended [or annexed.]

PARTICULARS.

1. Name and late address of master, seaman, apprentice, or pilot.
2. Name of ship of which deceased was master [or of the crew of which deceased was a member or on which deceased was employed as pilot] at time of accident or loss of ship, and port of registry.
3. Nature of employment at time of accident or loss of ship.
4. Date and place of accident, nature of work on which deceased was then engaged, and nature of accident and cause of injury [or date and place when and where ship was lost or is deemed to have been lost.]
5. Nature of injury to deceased and date of death [or date when ship was lost or is deemed to have been lost.]
6. Earnings of deceased during the 3 years next preceding the injury or date of loss, if he had been so long employed under the same owners, or if the period of his employment had been less than the said 3 years, particulars of his average weekly earnings during the period of actual employment under the said owners.
7. Amount of weekly payments (if any) made to deceased under the Act, and of any lump sum paid in redemption thereof.
8. Name and address of applicant for arbitration.
9. Character in which applicant applies for arbitration, *i.e.*, whether as legal personal representative of deceased or as a dependant, and if as a dependant, particulars showing how he is so.
10. Particulars as to the dependants of deceased by whom or on whose behalf the application is made, giving their names and addresses, and descriptions and occupations (if any), and their relationship to the deceased, and if infants, their respective ages, and stating whether they were wholly or partially dependant on the earnings of the deceased at the time of his death.
11. Particulars as to any persons claiming or who may be entitled to claim to be dependants, but as to whose claim a question arises, and who are therefore made respondents, with their names, addresses, and descriptions and occupations (if any).
12. Particulars of amount claimed as compensation, and of the manner in which the applicant claims to have such amount apportioned and applied.

PARTICULARS—*continued.*

Rules 9, 9.

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

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

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

Of the Applicant,

Of his Solicitor,

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

As representing the owners of the ship

[*State name and address of managing owner or manager, or of master of ship See Rule 33 (6).*]

and G.B.

Dated this day of

(Signed)

Applicant.

[*Or*

Applicant's Solicitor.]

NOTE.—The matter of the above application will be heard by the County Court Judge of the Division of at the sessions to be held at the Court House in on the day of 19 at the hour of o'clock, and if the respondents being duly served herewith do not attend in person or by their solicitors, such order will be made and proceedings taken in their absence as the judge may think just.

(Signed),
Clerk of the Peace for said County and Division.

FORM 8.

Rules 9, 9 (1).

Application for Arbitration where security has been given on behalf of the Owners of a Ship under Section 40.

In the County Court of
Division of

In the matter of the Workmen's Compensation Act, 1927.

No. of Matter

In the matter of an Arbitration between

A.B.

of (*address*)
(*description*)

Applicant.

(*names and addresses*
of persons giving
security)

and

Respondents.

1. On the day of personal injury by accident arising out of and in the course of his employment was caused to A.B. , of , and the said A.B. claims that the owners of the ship " " are liable under the Workmen's Compensation Act, 1927, to pay compensation in respect of the said injury.

2. The respondents have given security to abide the event of any proceedings that may be instituted in respect of the said injury, and to pay such compensation and costs as may be awarded thereon.

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

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

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

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

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

Act in respect of the said injury.

[*or as the case may be.*]

Rules 9, 9(1).

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

5. Particulars are hereto appended [or annexed.]

PARTICULARS.

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

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

NOTE.—The matter of the above application will be heard by the County Court Judge of at the sessions to be held at the Court House in for the Division of on the day of at the hour of o'clock, and if the respondents being duly served herewith do not attend in person or by their solicitors, such order will be made and proceedings taken in their absence as the judge may think just.

(Signed),

Clerk of the Peace for said County and Division.

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

Rules 9, 9(1),
33(1).

FORM 9.

Application for Arbitration by Workman disabled by or suspended on account of having contracted Industrial Disease coming within Section 44.

In the County Court of
Division of

In the matter of the Workmen's Compensation Act, 1927.

No. of Matter.

In the matter of an Arbitration between

A.B.

of (address)
(description)

Applicant.

and

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

Respondent.

1. On the day of Mr. , the certifying surgeon appointed under the Factory and Workshop Act, 1901, for the district of [or Mr. , one of the medical referees appointed by the Secretary of State for the purposes of the Workmen's Compensation Act, 1927] certified that A.B. of was suffering from a disease coming within section 44 of the Workmen's Compensation Act, 1927, and was thereby disabled from earning full wages at the work at which he was employed.

[Or 1. On the day of A.B. of was in pursuance of special rules [or regulations] made under the Factory and Workshop Act, 1901, suspended from his usual employment on account of his having contracted , a disease coming within section 44 of the Workmen's Compensation Act, 1927.]

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

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

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

- (a) as to whether the said A.B. is a workman to whom the Workmen's Compensation Act, 1927, applies ; *or*
- (b) as to the liability of the said C.D. & Co., Limited, to pay compensation under the Workmen's Compensation Act, 1927, in respect of the said disease [*or suspension*] ; *or*
- (c) as to whether the said disease was in fact contracted whilst the said A.B. was in the employment of the said C.D. & Co., Limited, ; *or*
- (d) as to whether the said disease is due to the nature of the employment of the said A.B. under the said C.D. & Co., Limited, ; *or*
- (e) as to the amount [*or duration*] of the compensation payable by the said C.D. & Co., Limited, to the said A.B. under the Workmen's Compensation Act, 1927, in respect of the said disease.
[*or as the case may be.*]

Rules 9, 9 (1),
38 (1).

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

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

PARTICULARS.

1. Name and address of applicant.
2. Name, place of business, and nature of business of respondents.
3. Nature of employment of applicant under respondents to which the disease was due.
4. Nature of disease.
5. Date of disablement or suspension.
6. Names and addresses of all other employers by whom applicant was employed in the same employment during the 12 months previous to date of disablement or suspension.
7. Particulars of incapacity for work, whether total or partial, and estimated duration of incapacity.
8. Average weekly earnings during the 12 months previous to date of disablement or suspension, if the applicant has been so long employed under respondents, or if not, during any less period during which he has been so employed.
9. Average weekly amount which the applicant is earning or is able to earn in some suitable employment or business.
10. Payment, allowance, or benefit received from employer during period of incapacity.
11. Amount claimed as compensation.
12. Date of service of statutory notice of disablement or suspension on respondents. [*A copy of the notice to be annexed.*]
13. If notice not served, reason for omission to serve same.

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

NOTE.—The matter of the above application will be heard by the County Court Judge of at the sessions to be held at the Court House in on the day of 19 at the hour of o'clock, and if the respondents being duly served herewith do not attend in person or by their solicitors, such order will be made and proceedings taken in their absence as the judge may think just.

(Signed),

Clerk of the Peace for said County and Division

FORM 10.

Rules 9, 9 (1),
88 (1).

Application for Arbitration by or on behalf of Dependants of Deceased Workman whose death has been caused by Industrial Disease.

In the County Court of

Division of

In the matter of the Workmen's Compensation Act, 1927.

No. of Matter.

In the matter of an Arbitration between

E.F.

of (address)
(description)

Applicant

and

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

G.H.

of (address)
(description)

Respondents.

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

1. On the _____ day of _____ Mr. _____ the certifying surgeon under the Factory and Workshop Act, 1901, for the district of _____ [or Mr. _____ one of the medical referees appointed by the Secretary of State for the purposes of the Workmen's Compensation Act, 1927], certified that A.B. _____ of _____ was suffering from _____, a disease coming within section 44 of the Workmen's Compensation Act, 1927, and was thereby disabled from earning full wages at the work at which he was employed ; and on the _____ day of _____ the said A.B. _____ died, his death being caused by the said disease.

[Or 1. On the _____ day of _____ A.B. _____ of _____ was in pursuance of special rules [or regulations] made under the Factory and Workshop Act, 1901, suspended from his usual employment on account of his having contracted _____, a disease coming within section 44 of the Workmen's Compensation Act, 1927, and on the _____ day of _____ the said A.B. _____ died, his death being caused by the said disease.]

[Or 1. On the _____ day of _____ A.B. _____ late of _____ died, his death being caused by _____, a disease coming within section 44 of the Workmen's Compensation Act, 1927.]

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

3. A question has [or Questions have] arisen

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

- (a) as to whether the said A.B. _____ was a workman to whom the Workmen's Compensation Act, 1927, applies ; or
- (b) as to the liability of the said C.D. & Co., Limited, to pay Compensation under the Workmen's Compensation Act, 1927, to the dependants of the said A.B. _____ in respect of the injury caused to them by the death of the said A.B. _____ ; or
- (c) as to whether the said disease was in fact contracted whilst the said A.B. _____ was in the employment of the said C.D. & Co., Limited, _____ ; or
- (d) as to whether the said disease was due to the nature of the employment of the said A.B. _____ under the said C.D. & Co., Limited, _____ ; or
- (e) as to whether the death of the said A.B. _____ was in fact caused by the said disease ; or

- (f) as to the amount of compensation payable by the said C.D. & Co., Limited, to the dependants of the said A.B. under the above-mentioned Act in respect of the injury caused to them by the death of the said A.B. Rules 9, 9 (1), 88 (1).
- (g) as to who are dependants of the said A.B. within the meaning of the above-mentioned Act; or
- (h) as to the apportionment and application of the compensation payable by the said C.D. & Co., Limited, to the dependants of the said A.B. in respect of the injury caused to them by the death of the said A.B.

[or as the case may be.]

4. An arbitration under the above-mentioned Act is hereby requested between E.F., the legal personal representative of the said A.B., acting on behalf of the dependants of the said A.B.

[or between E.F., a dependant of the said A.B. and the said C.D. & Co., Limited, and G.H., who claims or may be entitled to claim to be a dependant of the said A.B.]

[or as the case may be; see Rule 4.]
for the settlement of the said question [or questions].

5. Particulars are hereto appended [or annexed].

PARTICULARS.

1. Name and late address of deceased workman.
2. Name, place of business, and nature of business of respondents from whom compensation is claimed.
3. Nature of employment of deceased under respondents to which the disease was due.
4. Nature of disease.
5. Date of disablement, and date of death.
6. Earnings of deceased during the 3 years next preceding disablement, if he had been so long in the employment of the respondents, or if the period of his employment had been less than the said 3 years particulars of his average weekly earnings during the period of his actual employment under the respondents.
7. Names and addresses of all other employers by whom deceased was employed in the same employment during the 12 months previous to the date of disablement.
8. Amount of weekly payments (if any) made to deceased under the Act, and of any lump sum paid in redemption thereof.
9. Name and address of applicant for arbitration.
10. Character in which applicant applies for arbitration, i.e., whether as legal personal representative of deceased or as a dependant, and if as a dependant, particulars showing how he is so.
11. Particulars as to dependants of deceased by whom or on whose behalf the application is made, giving their names and addresses, and descriptions and occupations (if any), and their relationship to the deceased, and if infants, their respective ages, and stating whether they were wholly or partially dependent on the earnings of the deceased at the time of his death

Rules 9, 9 (1),
33, 33 (1).

PARTICULARS—*continued.*

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

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

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

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

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

NOTE.—The matter of the above application will be heard by the County Court Judge of at the sessions to be held at the Court House in on the day of 19 at the hour of o'clock, and if the respondents being duly served herewith do not attend in person or by their solicitors, such order will be made and proceedings taken in their absence as the judge may think just.

(Signed),

Clerk of the Peace for said County and Division.

Rules 9, 9 (1),
33, 33 (2).

FORM 11.

Application for Arbitration where rights of Employer against Insurers are transferred to Workman under Section 7.

In the County Court of
Division of

In the matter of the Workmen's Compensation Act, 1927.

No. of Matter

In the matter of an Arbitration between
A.B.

of (address)
(description)

Applicant.

(name and address of
Insurers)

and

Respondents.

1. On the day of personal injury by accident arising out of and in the course of his employment was caused to A.B. , a workman employed by (name and address of employer), of [or by of , a contractor with (name and address of employer) for the execution of work undertaken by him], and the said A.B. claims that the said (employer) thereupon became liable to pay compensation under the Workmen's Compensation Act, 1927, to the said A.B. in respect of such injury [or, where the weekly payment has been settled,

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

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

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

4. A question has [or Questions have] arisen

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

- (a) as to whether the said A.B. is a workman to whom the above-mentioned Act applies; or
- (b) as to the liability of the said (employer) to pay compensation under the above-mentioned Act in respect of the said injury; or
- (c) as to the liability of the respondents as such insurers as aforesaid to the said A.B. ; or
- (d) as to the amount [or duration] of the liability of the respondents as such insurers as aforesaid to the said A.B. [or as the case may be].

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

6. Particulars are hereto appended [or annexed].

PARTICULARS.

(Here insert particulars containing a concise statement of the circumstances under which the application is made, and of all matters necessary to be stated in order to bring the questions to be settled properly before the judge or arbitrator, and of the relief or order which the applicant claims adapting the particulars given in the preceding forms to the circumstances of the case.)

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

Of the Applicant,

Of his Solicitor,

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

Dated this day of

(Signed)

Applicant.

[Or

Applicant's Solicitor.]

NOTE.—The matter of the above application will be heard by the County Court Judge of at the sessions to be held at the Court House in for the Division of on the day of 19 at the hour of o'clock, and if the respondents being duly served herewith do not attend in person or by their solicitors, such order will be made and proceedings taken in their absence as the judge may think just.

(Signed),

Clerk of the Peace for said County and Division.

FORM 12.

ANSWER BY RESPONDENTS.

[Heading as in Request for Arbitration.]

TAKE NOTICE—

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

Or

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

Or

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

Or

Rule 17 (1)

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

Or

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

PARTICULARS.

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

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

[or as the case may be.]

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

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

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

That a scheme of compensation [benefit or insurance] for the workmen of the respondents, C.D. & Co., Limited, has been duly certified by the Registrar of Friendly Societies, and such certificate was in force at the date of the alleged accident, and the said C.D. & Co., Limited, contracted with the applicant A.B. [or with the deceased workman],

by a contract which was in force at the date of the alleged accident, that the provisions of the said scheme should be substituted for the provisions of the Act, and the said C.D. & Co., Limited, are consequently liable only in accordance with the said scheme.

[or as the case may be.]

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

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

- (vii.) That the disease mentioned in the applicant's particulars was not contracted whilst the applicant [or the deceased workman] was in the employment of the respondents ; or
- (viii.) That the disease mentioned in the applicant's particulars was not due to the nature of the employment in which the applicant [or the deceased workman] was employed by the respondents ;
[or as the case may be.]

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

of the Respondents,
C.D. & Co., Limited,
of their Solicitors,
Dated this day of

(Signed)

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

To the Clerk of the Peace, and
To the Applicant, A.B., and
To the Respondents
(if any, naming them).

FORM 13.

Notice by the Respondent admitting Liability and submitting to an Award or paying Money into Court, or submitting to an Award or paying Money into Court with a denial of Liability.

[Heading as in Request for Arbitration.]

Rule 18 (1),
(i), (ii).

TAKE NOTICE—

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

And they hereby submit to an award for payment by them to the applicant, A.B., of the weekly sum of such weekly payment to commence as from the day of , and to continue during the total or partial incapacity of the said A.B. for work, or until the same shall be ended, diminished, increased, or redeemed in accordance with the provisions of the above-mentioned Act.

And for payment by them to the applicant forthwith after the award of the amount of such weekly payments calculated from the day of until the first Saturday [or other usual pay day] after the date of the award, and for the payment thereafter of the said sum of to the applicant on Saturday [or other usual pay day] in every week.
[Or, And the said C.D. & Co., Limited, herewith pay into Court the sum of £ in satisfaction of such liability.]

[Or, where liability is denied,

TAKE NOTICE—

That the respondents, C.D. & Co., Limited, hereby submit (follow from above, down to the words in every week).

[Or, That the respondents, C.D. & Co., Limited, herewith pay into Court the sum of £ in satisfaction of the applicant's claim in the above-mentioned matter.]

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

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

Dated this day of

(Signed)

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

To the Clerk of the Peace, and
To the Applicant, A.B., and
To the Respondents
(if any, naming them).

Rule 18 (1) (2).

FORM 14.

Notice of filing of Submission to an Award, or of Payment into Court, in the case of an injured Workman.

[*Heading as in Request for Arbitration.*]

TAKE NOTICE—

That the respondents, C.D. & Co., Limited, have this day filed with the Clerk of the Peace a notice (copy of which is sent herewith) that they admit their liability to pay compensation in the above-mentioned matter, and submit to an award for payment by them to you of the weekly sum of [or and have paid into Court the sum of £ in satisfaction of such liability].
[Or

TAKE NOTICE—

That the respondents, C.D. & Co., Limited, have this day filed with the Clerk of the Peace a notice (copy of which is sent herewith) that they deny their liability to pay compensation in the above-mentioned matter, but that they submit to an award for payment by them to you of the weekly sum of [or but that they have paid into Court the sum of £ in satisfaction of your claim].]

If you elect to accept such weekly sum [or the sum so paid into Court] in satisfaction of your claim, you must send to the Clerk of the Peace of this Court, and to the said C.D. & Co., Limited, [or to the solicitor of the said C.D. & Co., Limited] a written notice forthwith by post, or leave such notice at the office of the Clerk of the Peace, and at the residence or place of business of the said C.D. & Co., Limited, [or at the office of the solicitor of the said C.D. & Co., Limited].

If you send such notice, the judge of this Court will, on application made to him, make an award directing payment of such weekly sum to you [or directing payment of the said sum of £ to you, or applying the said sum of £ for your benefit], and you will be liable to no further costs.

In default of such notice, the arbitration will be proceeded with; and if no greater payment is awarded to you, you will be liable to be ordered to pay the costs incurred by the respondents subsequent to the receipt by you of this notice.

Dated this day of

Respondents.

To the Applicant, A.B.

Rule 18 (1) (b).

FORM 15.

Notice of Payment into Court in the case of Death.

[*Heading as in Request for Arbitration.*]

TAKE NOTICE—

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

TAKE NOTICE—

That the respondents, C.D. & Co., Limited, have this day filed with the Clerk of the Peace a notice (copy of which is sent herewith) that they deny their liability to pay compensation in the above-mentioned matter, but that they have paid into Court the sum of £ in satisfaction of the claim made herein.]

If you are willing to accept the sum so paid into Court in satisfaction of the compensation payable in the above-mentioned matter, you must send to the Clerk of the Peace of this Court, and to the said C.D. & Co., Limited, and to the other respondents [or, where this notice is sent to a respondent, to the applicant and the other respondents], a written notice forthwith by post, or leaving such notice at the office of the Clerk of the Peace, and at the residence or place of business of the said C.D. & Co., Limited, and at the residence or place of business of each of the other respondents [or of the applicant and each of the other respondents].

If you and all the other respondents [*or if you and the applicant and all the other respondents*] send such notice, and agree as to the apportionment and application of the said sum of £ _____, the judge of this Court will, on application made to him, make an award for such apportionment, and application, and you will be liable to no further costs. Rule 18.

If you and all the other respondents [*or if you and the applicant and all the other respondents*] send such notice, but do not agree as to the apportionment and application of the said sum of £ _____, the arbitration will be proceeded with as between you and such other respondents [*or as between the applicant and yourself and such other respondents*].

In default of such notice being sent by you and all the other respondents [*or by the applicant and yourself and all the other respondents*], the arbitration will be proceeded with; and if no greater amount than the said sum of £ _____ is awarded as compensation, the parties who do not send such notice will be liable to be ordered to pay the costs incurred by the respondents, C.D. & Co., Limited, _____ subsequent to the receipt by such parties of this notice, and also any costs incurred subsequent to the receipt of this notice by any parties who send notice of their willingness to accept the said sum of £ _____ in satisfaction of the compensation payable in the above-mentioned matter.

Dated this _____ day of _____

Respondent.

To the Applicant, A.B.,
[*or To the Respondent, G.H.*]
(*or as the case may be*).

FORM 16.

Rule 18 (5).

Notice of Acceptance of Weekly Sum offered, or of Willingness to accept Sum paid into Court.

[*Heading as in Request for Arbitration.*]

TAKE NOTICE—

That the Applicant, A.B. _____ accepts the weekly sum offered by the respondents, C.D. & Co., Limited, _____ [*or the sum of £ _____ paid into Court*] in satisfaction of his claim in the above-mentioned matter [*or, that the applicant, E.F. [*or, the respondent, G.H.*] is willing to accept the sum of £ _____ paid into Court by the respondents, C.D. & Co., Limited, _____ in satisfaction of the compensation payable in the above-mentioned matter.*]

But the applicant _____ [*or the said respondent, G.H. _____*] will apply to the judge to include in his award an order directing the said respondents, C.D. & Co., Limited, _____ to pay the costs properly incurred by the applicant _____ [*or the said respondent, G.H. _____*] before the receipt of notice of the offer of the said weekly sum [*or of notice of payment of the said sum of £ _____ into Court*], and his costs properly incurred in relation to the notice of the offer of the said weekly sum [*or the notice of payment of the said sum of £ _____ into court*] and to this notice, and in attending at the Court to obtain an award.

Dated this _____ day of _____

(Signed) _____

Applicant,

[*Or* _____

Respondent

To the Clerk of the Peace of the Court, and
To the Respondents, C.D. & Co., Limited, and
To the Applicant, A.B., and
To the Respondents
(*naming them*).

Rule 38 (4) (a).

FORM 17.

*Application for Addition of Employer as Respondent under Section 44:**[Heading as in Request for Arbitration.]*

TAKE NOTICE—

That the respondents, C.D. & Co., Limited, allege that the disease mentioned in the applicant's particulars filed in this matter was in fact contracted while the applicant [or the deceased workman] was in the employment of of , and not whilst in the employment of the said C.D. & Co., Limited.

And the said C.D. & Co., Limited, hereby apply for an order that the said be joined as respondents in the above arbitration, and if necessary for an adjournment of the hearing of the arbitration.

Dated this day of

(Signed)
ByC.D. & Co., Limited.
Secretary.

Or

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

To the Clerk of the Peace of the Court.

Rule 38 (4) (a).

FORM 18.

*Order adding Respondents.**[Heading as in Request for Arbitration.]*

It is this day ordered on the application of the respondents, C.D. & Co., Limited, that of be added as respondents to this arbitration [and that the hearing of this arbitration be adjourned to the day of at o'clock in the noon.]

Dated this day of

Clerk of the Peace.

Rule 38 (4) (b).

FORM 19.

Notice to Applicant and Original Respondents of Addition of Respondents,
[Heading as in Request for Arbitration.]

TAKE NOTICE—

That by order dated the day of it was ordered on the application of the respondents, C.D. & Co., Limited (a copy whereof is hereto annexed), that of be added as respondents to this arbitration [and that the hearing of this arbitration be adjourned to the day of at o'clock in the noon].

Dated this day of

(Signed)

C.D. & Co., Limited.

By]

Secretary.

[Or

Solicitors for the Respondents,
C.D. & Co., Limited.To the Applicant and
The Respondents, E.F.,*(Or, as the case may be).*

FORM 20.

Rule 33 (b).

Notice to Parties who are added as Respondents.

[*Heading as in Request for Arbitration.*]

To Messrs. _____ of _____
(*address and description.*)

TAKE NOTICE—

That by an order of this Court, dated the _____ day of _____ a copy of which order is hereunto annexed, together with a copy of the request and particulars filed by the applicant in this matter of the answer or answers of the respondent, and a copy of the application on which the said order was made, you were ordered to be added as a respondent in the above arbitration.

And further, take notice that the hearing of the above arbitration has been appointed for the _____ day of _____ at _____ o'clock in the _____ noon, and that if you do not attend, either in person or by your solicitor, at the court-house at _____ upon the day and at the hour above mentioned such order will be made and proceedings taken as the judge may think just and expedient.

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

Such answer, together with a copy thereof for the judge and a copy for the applicant and for each of the other respondents, must be filed with the Clerk of Peace six clear days at least before the _____ day of _____.

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

Dated this _____ day of _____

To _____
Of _____ (Signed) _____ C.D. & Co., Limited.
By _____
[Or _____ Secretary.
Solicitors for the respondents,
C.D. & Co., Limited.]

FORM 21.

Rules 19, 24 (1).

Notice by Respondent to Third Parties.

[*Heading as in Request for Arbitration.*]

To Mr. _____, of _____ (*address and description*)

TAKE NOTICE—That A.B. _____ of, &c., _____ has filed a request for arbitration (a copy whereof is hereto annexed) as to the amount of compensation payable by the respondents, C.D. & Co., Limited, _____ to the said A.B. _____ in respect of personal injury caused to the said A.B. by accident arising out of and in the course of his employment.

[Or That E.F. _____ of _____ has filed a request for arbitration (a copy whereof is hereto annexed) with respect to the compensation payable to the dependants of A.B. _____ deceased, in respect of the injury caused to the said dependants by the death of the said A.B. _____ which resulted from injury caused to the said A.B. _____ by accident arising out of and in the course of his employment.]

[*or as the case may be ; see forms of request for arbitration.*]

Rules 18, 24 (1). The respondents, C.D. & Co., Limited, claim to be indemnified by you against their liability to pay such compensation, on the ground that at the time of the injury in respect of which compensation is claimed the said A.B. was not immediately employed by the said C.D. & Co., Limited, but was employed by you in the execution of work undertaken by the said C.D. & Co., Limited, in respect of which the said C.D. & Co., Limited had contracted with you for the execution thereof by or under you.

[Or on the ground that the injury for which compensation is claimed was caused under circumstances creating a legal liability on your part [add, if so, as the persons who have given security in respect of the liability of the owners of the ship "] to pay damages in respect thereof].

[or as the case may be.]

[Or, in case of industrial disease, The respondents C.D. & Co., Limited, claim to be entitled to contribution from you in respect of the compensation claimed from them, on the ground that the disease mentioned in the applicant's particulars was of such a nature as to be contracted by a gradual process, and that the said A.B. was employed by you during the 12 months previous to the date of disablement or suspension in the employment to the nature of which the disease was due.]

And take notice, that if you wish to dispute the applicant's claim as against the respondents, C.D. & Co., Limited, or your liability to the said respondents, you must appear before the judge at the time and place mentioned in the Clerk of the Peace's note to said request.

In default of your so appearing you will be deemed to admit the validity of any award made in the said arbitration as to any matter which the judge has jurisdiction to decide in such arbitration as between the applicant and the respondents, C.D. & Co., Limited, whether such award is made by consent or otherwise, and your own liability to indemnify the said C.D. & Co., Limited, [or to contribute as above mentioned].

Dated this day of

(Signed) C.D. & Co., Limited.

By

Secretary.

[Or

To Solicitors for the Respondents,
of C.D. & Co., Limited.]

Rule 29 (1).

FORM 22.

Award.

[NOTE.—These forms are intended for use in ordinary cases only. The award in any special case must be settled in accordance with the directions given by the Judge.]

(i.) In case of Application by Workman.

[Heading as in Request for Arbitration.]

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

[Here insert any introductory recitals of findings on which the award is made which the judge or arbitrator may direct.]

I. I order that the respondents, C.D. & Co., Limited, do pay to the applicant, A.B., the weekly sum of as compensation

for personal injury caused to the said A.B. on the day of , Rule 29(1).
 by accident arising out of and in the course of his employment as a workman
 employed by the said respondents, such weekly payment to commence as from
 the day of , and to continue during the total
 or partial incapacity of the said A.B. for work, or until the same
 shall be ended, diminished, increased, or redeemed in accordance with the
 provisions of the above-mentioned Act.

2. And I order that the said C.D. & Co. do forthwith pay to the
 said A.B. the sum of £ being the amount of such weekly
 payments calculated from the day of until the day
 of (1) and do thereafter pay the said sum of
 to the said A.B. on Saturday (2) in every week.

(1) First
 Saturday or
 other usual
 pay day after
 date of award.
 (2) Or other
 usual pay day.

3. And I order that the said C.D. & Co. do pay to the Clerk of the
 Peace, for the use of the applicant, his costs of and incidental to this arbitration,
 such costs, in default of agreement between the parties as to the amount thereof,
 to be taxed by the Clerk of the Peace, and to be paid by the said C.D. & Co.
 to the Clerk of the Peace within 14 days from the date of the
 certificate of the result of such taxation.

Dated this day of

Judge.

(ii.) *In Case of Application by Dependants.*

[*Heading as in Request for Arbitration.*]

Having duly considered the matter submitted to me, I do hereby make my
 award as follows:—

[*Here insert the introductory recitals of findings on which the award is made
 which the judge may direct.*]

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

2. And I declare that the persons hereinafter named are entitled to share in
 such compensation as dependants of the said A.B., that is to say,
 J.B., the widow of the said A.B. and (1)

(1) Name the
 other persons.

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

4. And I order that the said sum of £ be apportioned between
 the said J.B. and (1)

in the proportion following, that is to say:—

I apportion the sum of £ to or for the benefit of the said
 J.B., and the sum of £ to or for the benefit of the
 said (2)

(2) Specify the
 persons entitled
 and the sums
 apportioned
 them.

5. And I order that the said C.D. & Co., Limited, do pay the said sum of £ to the Clerk of the Peace within 14 days from the date of this award.

6. And I order that on payment to the Clerk of the Peace of the said sum of £, the Clerk of the Peace do forthwith pay to the said J.B. the sum of £ hereby apportioned to her [or the sum of £ out of the sum of £ hereby apportioned to her, and that the balance of the last-mentioned sum be invested by the Clerk of the Peace in for the benefit of the said J.B., and that out of the sum so invested and the accruing interest thereof the Clerk of the Peace do from time to time until further order pay to the said J.B. the weekly [or fortnightly] sum of £ the first payment to be made on the day of].

7. And I order that on payment to the Clerk of the Peace of the said sum of £ the sums of £ and £ hereby apportioned to or for the benefit of the said

respectively (less the fees for the investment thereof) be invested by the Clerk of the Peace in for the benefit of the said and respectively, and that interest arising from such investments be from time to time until further order paid to the said J.B. to be by her applied for the maintenance, education, and benefit of the said and respectively.

8. And I order that the said J.B. and the said

or any of them be at liberty to apply to the judge from time to time as they may be advised for any further or other order as to the application of any of the said sums so ordered to be invested and the accruing interest thereof.

9. And I order that the said C.D. & Co., Limited, do pay to the Clerk of the Peace, for the use of the applicants, their costs of and incidental to this arbitration, such costs, in default of agreement between the parties as to the amount thereof to be taxed by the Clerk of the Peace, and to be paid by the said C.D. & Co., Limited, to the Clerk of the Peace within 14 days from the date of the certificate of the result of such taxation.

[Add directions (if any given) as to costs occasioned by claim of persons claiming as a dependant whose claim is disallowed.]

Dated this day

Judge.

(iii.) *In Case of Application by Person to whom expenses of Medical Attendance or Burial are due.*

[Heading as in Request for Arbitration.]

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

[Leave space for any introductory recitals of findings on which the award is made which the judge may direct.]

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

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

The applicant, E.F., in respect of charges amounting to £ due to [or payable by] him for medical attendance on the said A.B. and the respondent, G.H., in respect of charges amounting to £ due to him for the burial of the said A.B.

3. And I order that the respondents, C.D. & Co., Limited, do pay the said sum of £ to the Clerk of the Peace within 14 days from the date of this award, and that the said sum of £ be apportioned between and paid to the said E.F. and G.H. in proportion to the amounts due to them respectively as aforesaid.

4. And I order that the said C.D. & Co., Limited, do pay to the Clerk of the Peace for the use of the applicant, E.F., and the respondent, G.H., their respective costs of and incident to this arbitration, such costs, in default of agreement between the parties as to the amount thereof, to be taxed by the Clerk of the Peace, and to be paid by the said C.D. & Co., Limited, to the Clerk of the Peace within 14 days from the date of the certificate of the result of such taxation.

Dated this day of

Judge.

WHEREAS the sum of £ Compensation has been paid into Court in this matter by

Now on the application of and on hearing her evidence and Mr. , her Solicitor.

This Court Doth Declare that the said Sum of £ is an adequate amount and that the persons hereinafter named and no others are entitled to share in the said Compensation, as dependants of the said deceased, that is to say :—

And It is Ordered that the said sum of £ be apportioned to or for the benefit of the said Dependants in the sums mentioned in the Schedule hereto and be dealt with as in the said Schedule mentioned.

Provided always that in the event of the death of any of the said Dependants before the amounts awarded to them have been exhausted the Matter shall again be brought before the Judge for re-apportionment under the provisions of Paragraph 2 of Schedule 2 of the Workmen's Compensation Act, 1927, and

It appearing to the Court that the said are infants under the age of 21 years, and that it is necessary to appoint for each of them a Guardian of his fortune, and that

of is a fit and proper person to be appointed such Guardian, has no interest in this matter adverse to the said , and consents to be so appointed.

It is ordered that the said be and is hereby appointed Guardian of the fortune of each of them the said during their respective minorities, or until further order.

The Schedule hereinbefore referred to.

Name of Dependant.	Amount apportioned to or for the benefit of the Dependant.	How amount apportioned to be dealt with.
	Amount in	Court £
	Interest,	.. £
Pay Mr.		for his measured Costs.
A. B.	£	Pay
C. D.	£	
E. F.	£	

Leave to any Dependant to apply as there may be occasion.

County Court Judge.

[Note.—The above forms will serve as guides for framing awards in other cases of arbitration.]

Rule 30 (3)

FORM 23.

Notice of Day upon which Special Case will be heard.

In the County Court of
Division of

[*Heading as in Special Case.*]

TAKE NOTICE that the judge of this court will hear the special case stated in the above-named matter at a Court to be holden at _____ on _____ the _____ day of _____ at the hour of _____ in the noon: and that if you do not attend in person or by your solicitor at the place and time above-mentioned, such order will be made and proceedings taken as the judge may think just.

You may obtain a copy of the case upon application at my office and upon prepayment of the costs of such copy.

Dated this _____ day of _____

Clerk of the Peace.

To [*The Applicant and Respondents.*]

Rule 36 (1).

FORM 24.

Application for Order for Detention of Ship.

In the County Court of
Division of

The Workmen's Compensation Act, 1927. Section 40.

The Ship " _____ "

Application is hereby made on behalf of

of

who alleges that the owners of the ship " _____ " which has been found in the port [*or river*] of _____

[*or within three miles of the coast of Ireland*], are liable as such owners to pay compensation under the Workmen's Compensation Act, 1927, in respect of personal injury by accident arising out of and in the course of his employment caused to _____ of _____ on the _____ day of _____ in the port [*or harbour*] of _____, and who claims compensation in respect of such injury, and alleges that none of the owners of the said ship reside in the United Kingdom, _____ for an order directed to an officer of Customs or other officer named by the judge, requiring him to detain the said ship until such time as the owners, agent, master, or consignee thereof have paid such compensation, or have given security, to be approved by the judge, to abide the event of any proceedings that may be instituted to recover such compensation, and to pay such compensation and costs as may be awarded thereon, or until the said ship shall be otherwise released by due course of law.

The grounds on which this application is made are set forth in the affidavit of _____ filed herewith [*or will be given in evidence on the hearing of the application*].

Dated this _____ day of _____

(Signed)

[*Name and Address of Applicant or Applicant's Solicitor.*]

Rule 36 (2)

FORM 25.

Undertaking as to Damages.

In the County Court of
Division of

The Workmen's Compensation Act, 1927. Section 40.

The Ship " _____ "

I the undersigned _____, of _____ hereby undertake to abide by any order which may hereafter be made as to damages, in case any person affected by the order to be made on my application for the detention of the ship " _____ " shall sustain any damages by reason of such order which I ought to pay.

Dated this _____ day of _____

(Signed)

[*Signature and Address of Applicants.*]

[*To be altered as required, if the undertaking is given by any person other than the applicant.*]

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FORM 26.

Rule 36 (3).

Order for Detention of Ship.

In the County Court of
Division of

The Workmen's Compensation Act, 1927.
The Ship " " "

Whereas it is alleged that the owners of the ship " " are liable as such owners to pay compensation in respect of personal injury by accident arising out of and in the course of his employment caused to of in the port [or harbour] of :

And that the said ship has been found in the port [or river] of [or within three miles of the coast of Ireland] :

And whereas it has been shown to me, on the application of of , who claims compensation in respect of such injury, that the owners of the said ship are probably liable as such to pay such compensation, and that none of the owners reside in the United Kingdom :

[And whereas the said has filed an undertaking to abide by any order which may hereafter be made as to damages, in case any person affected by this order shall sustain any damage by reason of this order which the said ought to pay :]

Now I do hereby issue this order directed to you, the Chief Officer of Customs at [or other officer named by the judge], requiring you to detain the said ship until such time as the owners, agent, master, or consignee thereof have paid compensation in respect of the said injury, or have given security in the sum of £ , to be approved by the judge, to abide the event of any proceedings that may be instituted to recover such compensation, and to pay such compensation and costs as may be awarded thereon, or until the said ship shall be otherwise released by due course of law.

Dated this day of

Judge.

To the Chief Officer of Customs at
[or other officer named by the judge.]

FORM 27.

Rule 36 (5).

Bond by way of Security.

In the County Court of
Division of .

The Workmen's Compensation Act, 1927.
The Ship " " "

Whereas it is alleged that the owners of the ship " " are liable as such owners to pay compensation in respect of personal injury by accident arising out of and in the course of his employment caused to of in the port [or harbour] of :

And whereas the judge of this Court has issued an order directed to the Chief Officer of Customs at [or other officer named by the judge], requiring him to detain the said ship until such time as the owners, agent, master, or consignee thereof have paid compensation in respect of the said injury, or have given security in the sum of £ , to be approved by the judge, to abide the event of any proceedings that may be instituted to recover such compensation, and to pay such compensation and costs as may be awarded thereon, or until the said ship shall be otherwise released by due course of law :

Now, therefore, we [state names, addresses, and description of sureties] jointly and severally submit ourselves to the jurisdiction of this Court, or of any other competent Court in England or Ireland, in which any proceedings may be instituted in respect of the said injury, and consent that if the owners, agent, master, or consignee of the said ship shall not pay all such compensation and costs as may be awarded thereon execution may issue forthwith against us, our heirs, executors, and administrators, goods and chattels, for a sum not exceeding pounds.
[Signatures of Sureties.]

This bail bond was signed by the said
and

the sureties, the day of
19

Before me,

Clerk of the Peace.

Rule 36 (6)

FORM 28.

Order of Release.

In the County Court of
Division of

The Workmen's Compensation Act, 1927.

The Ship " " "

You are hereby authorised and directed to release the ship " " " now under detention by virtue of an order made on the day of , upon the payment of all costs, charges and expenses attending the custody thereof.

Dated this day of

Judge.

To the Chief Officer of Customs at
[or other officer named in the order for detention.]

Rule 36 (7) (c).

FORM 29.

Solicitor's Undertaking to give Security.

In the County Court of
Division of

The Workmen's Compensation Act, 1927.

The Ship " " "

Whereas it is alleged that the owners of the ship " " " are liable as such owners to pay compensation in respect of personal injury by accident arising out of and in the course of his employment caused to of in the port [or harbour] of :

Now, therefore, I, *L.M.*, of (address), solicitor for the owners [agent, master or consignee) of the said ship, hereby undertake within days from the date hereof to put in or give security in the sum of £ , to be approved by the judge, to abide the event of any proceedings that may be instituted to recover such compensation, and to pay such compensation and costs as may be awarded thereon.

Dated this day of

(Signed) *L.M.*

Rule 37 (1).

FORM 30.

Application for Order for Detention of Ship by Employer claiming Indemnity.

In the County Court of
Division of

The Shipowners' Negligence (Remedies) Act, 1905.

The Workmen's Compensation Act, 1927.

The Ship " " "

Application is hereby made on behalf of
of
who alleges :—

1. That on the day of personal injury by accident arising out of and in the course of his employment was caused to of in the port [or harbour] of : and
2. That the applicant, as the employer of the said has paid compensation [or has had a claim for compensation made on him] in respect of such injury under the Workmen's Compensation Act, 1927 ; and
3. That the applicant is [or will become] entitled to be indemnified under that Act by the owners of the ship " " " on the ground that the said injury was caused by the said ship [or sustained on in or about the said ship], in consequence of the wrongful act, neglect, or default of the owners of the said ship, or the master or officers or crew thereof, or of some other person in the employment of the owners of the said ship, or of some defect in the said ship or its apparel or equipment : and

4. That the said ship has been found in the port [or river] of [or within three miles of the coast of Ireland] : and

5. That none of the owners of the said ship reside in the United Kingdom : for an order directed to an officer of Customs or other officer named by the judge, requiring him to detain the said ship until such time as the owners, agent, master, or consignee thereof have indemnified the applicant or paid compensation in respect of the said injury, or have given security, to be approved by the judge, to abide the event of any proceedings that may be instituted in respect of the said injury or to recover such indemnity, and to pay such compensation, indemnity and costs as may be awarded thereon, or until the said ship shall be otherwise released by due course of law.

The grounds on which this application is made are set forth in the affidavit of filed herewith [or will be given in evidence on the hearing of the application].

Dated this day of (Signed)

[Name and address of Applicant or Applicant's Solicitor.]

FORM 31.

Rule 37 (1).

Order for Detention of Ship on Application of Employer claiming Indemnity.

In the County Court of
Division of

The Shipowners' Negligence (Remedies) Act, 1905.

The Workmen's Compensation Act, 1927.

The Ship " " "

Whereas it is alleged by of

1. That on the day of personal injury by accident arising out of and in the course of his employment was caused to of in the port [or harbour] of : and

2. That the said as the employer of the said has paid compensation [or has had a claim for compensation made on him] in respect of such injury under the Workmen's Compensation Act, 1927 : and

3. That the said is [or will become] entitled to be indemnified under that Act by the owners of the ship " " on the ground that the said injury was caused by the said ship [or sustained on in or about the said ship], in consequence of the wrongful act, neglect, or default of the owners of the said ship, or the master or officers or crew thereof, or of some other person in the employment of the owners of the said ship, or of some defect in the said ship or its apparel or equipment : and

4. That the said ship has been found in the port [or river] of [or within three miles of the coast of Northern Ireland] :

And whereas it has been shown to me, on the application of the said that the applicant probably is [or will become] entitled to be indemnified under the said Act, and that none of the owners of the said ship reside in the United Kingdom :

[And whereas the said has filed an undertaking to abide by any order which may hereafter be made as to damages, in case any person affected by this order shall sustain any damages by reason of this order which the said ought to pay] :

Now I do hereby issue this order directed to you, the Chief Officer of Customs at [or other officer named by the judge], requiring you to detain the said ship until such time as the owners, agent, master, or consignee thereof have indemnified the said or paid compensation in respect of the said injury, or have given security in the sum of £ , to be approved by the judge, to abide the event of any proceedings that may be instituted in respect of the said injury, or to recover such indemnity, and to pay such compensation, indemnity, and costs as may be awarded thereon, or until the said ship shall be otherwise released by due course of law.

Dated this day of Judge.

To the Chief Officer of Customs at
[or other officer named by the judge.]

Bail Bond by way of Security, where Order of Detention made on

Application of Employer claiming Indemnity.

In the County Court of

Division of

The Shipowners' Negligence (Remedies) Act, 1905.

The Workmen's Compensation Act, 1927:

The Ship " "

Whereas it is alleged:—

1. That on the day of personal injury by accident arising out of and in the course of his employment was caused to of in the port [or harbour] of and

2. That of as the employer of the said , has paid compensation [or has had a claim for compensation made on him] in respect of the said injury under the Workmen's Compensation Act, 1927; and

3. That the said is [or will become] entitled to be indemnified under that Act by the owners of the ship " " on the ground that the said injury was caused by the said ship [or sustained on in or about the said ship] in consequence of the wrongful act, neglect, or default of the owners of the said ship, or the master or officers or crew thereof, or of some other person in the employment of the owners of the said ship, or of some defect in the said ship or its apparel or equipment.

And whereas the judge of this Court has issued an order directed to the Chief Officer of Customs at [or other officer named by the judge] requiring him to detain the said ship until such time as the owners, agent, master, or consignee thereof have indemnified the said

or paid compensation in respect of the said injury, or have given security in the sum of £ , to be approved by the judge, to abide the event of any proceedings that may be instituted in respect of the said injury, or to recover such indemnity, and to pay such compensation, indemnity, and costs as may be awarded thereon, or until the said ship shall be otherwise released by due course of law.

Now, therefore, we [state names, addresses, and description of sureties] jointly and severally submit ourselves to the jurisdiction of this Court, or of any other competent Court in England or Ireland in which any proceedings may be instituted in respect of the said injury, or to recover such indemnity, and consent that if the owners, agent, master, or consignee of the said ship shall not pay all such compensation, indemnity, and costs as may be awarded thereon execution may issue forthwith against us, our heirs, executors, and administrators, goods and chattels, for a sum not exceeding pounds.

[Signatures of Sureties.]

This bail bond was signed by the said

and

the sureties, the day of

19

Before me,

Clerk of the Peace.

FORM 33.

Rule 39 (1).

Application for Appointment of new Arbitrator, Schedule I.

In the County Court of
Division of

In the matter of the Workmen's Compensation Act, 1927.
In the matter of an Arbitration between

A.B.

of (address)
(description)

Applicant.

and

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

Respondents.

Application is hereby made to the judge on behalf of the above-named
to appoint a new arbitrator in the above-mentioned
matter in the place of Mr. , the arbitrator agreed on by the parties,
by reason of the death [or refusal [or inability] to act] of the said
Mr.

Dated this day of

(Signed)
[or

Applicant.

Applicant's Solicitor.]

NOTE.—The matter of the above application will be heard by the County Court Judge
of at the sessions to be held at the Court House in
for the Division of on the day of 19
at the hour of o'clock, and if the respondents being duly served herewith
do not attend in person or by their solicitors, such order will be made and proceedings taken in their
absence as the judge may think just.

(Signed),

Clerk of the Peace for said County and Division.

FORM 34.

Rule 40 (1) (2).

Form of Memorandum under Sections 23, 24 and 45.

(i.) In case of Injury to Workman by Accident.

To the Clerk of the Peace for the County of
In the Matter of the Workmen's Compensation Act, 1927.
and

In the Matter of an Arbitration between A.B.

of

and C.D. & Co., Limited,

Applicant,

Name.
Address.
Description.

of

Respondents.

Name.
Address.
Description.

[Or, where the matter has been decided by agreement without arbitration.]

In the Matter of an Agreement between

of

and

of

Name.
Address.
Description.

Be it remembered, that on the day of 19, personal
injury was caused at (state place of accident) to the above-named
a workman under no legal disability, [or an infant of the age of years,]
by accident arising out of and in the course of his employment.

And that on the day of 19, the following
agreement was come to by and between the said
and the said

that is to say :

[or And that on the day of 19, the following
decision was given by a committee representative of the said

and their workmen, having power to settle matters under the
above-mentioned Act in the case of the said
and their workmen, that is to say :]

[or And that on the day of 19, the following
award was made and given by me, the undersigned
being an arbitrator agreed on by the said
and the said , that is to say :]

[Here set out copy of agreement, decision, or award.]

[If a medical referee has been appointed to report, add:—

A copy of the report of Mr. _____, a medical referee appointed to report in the above-mentioned matter, is hereunto annexed.
 [Add, if so, The said Mr. _____ attended the arbitration on the _____ day of _____ 19 ____.]

You are hereby requested to record this memorandum, pursuant to paragraph 9 of the second schedule to the above-mentioned Act.

Dated this _____ day of _____ 19 ____.

NOTE.—This form to be adapted to the circumstances of the case and the matter decided.

(ii.) *In case of Injury to Workman by Industrial Disease.*

To the Clerk of the Peace of the county of _____
 In the Matter of the Workmen's Compensation Act, 1927,
 and

Name.
 Address.
 Description.

In the Matter of an Arbitration between
 of _____

Applicant,

Name.
 Address.
 Description.

and
 of _____

Respondents.

[Or, where the matter has been decided by agreement without arbitration.]

Name.
 Address.
 Description.

In the Matter of an Agreement between
 of _____

and
 of _____

Name.
 Address.
 Description.

Be it remembered,

That on the _____ day of _____, Mr. _____, the certifying surgeon appointed under the Factory and Workshop Act, 1901, for the district of _____ [or Mr. _____, one of the medical referees appointed by the Secretary of State for the purposes of the Workmen's Compensation Act, 1927], certified that A.B. _____ of _____, a workman under no legal disability, [or an infant of the age of _____ years], was suffering from a disease coming within section 44 of the Workmen's Compensation Act, 1927, and was thereby disabled from earning full wages at the work at which he was employed.

[or That on the _____ day of _____, A.B. _____ of _____, a workman

under no legal disability, [or an infant of the age of _____ years,] was, in pursuance of special rules [or regulations] made under the Factory and Workshop Act, 1901, suspended from his usual employment on account of his having contracted _____, a disease coming within section 8 of the Workmen's Compensation Act, 1927;

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

And that on the _____ day of _____ 19 ____, the following agreement was come to by and between the said _____ and the said _____ that is to say:

[or And that on the _____ day of _____ 19 ____, the following decision was given by a committee representative of the said _____ and their workmen, having power to settle matters under the above-mentioned Act in the case of the said _____ and their workmen, that is to say:]

[Or And that on the _____ day of _____, 19____, the following award was made and given by me, the undersigned being an arbitrator agreed on by the said _____ and the said _____, that is to say :]

[Here set out copy of agreement, decision, or award.]

[If a medical referee has been appointed to report, add :

A copy of the report of Mr. _____, a medical referee appointed to report in the above-mentioned matter, is hereunto annexed.
 [Add, if so, The said Mr. _____ attended the arbitration on the _____ day of _____, 19____.]

You are hereby requested to record this memorandum, pursuant to paragraph 9 of the second schedule to the above-mentioned Act.

Dated this _____ day of _____, 19____.

NOTE.—This form to be adapted to the circumstances of the case and the matter decided.

(iii.) Where death resulted from Injury.

To the Clerk of the Peace of the County of _____
 In the Matter of the Workmen's Compensation Act, 1927,
 and
 In the Matter of an Arbitration between _____

	Applicant,	Name. Address. Description.
and		
of	Respondents.	Name. Address. Description.

[Or, where the matter has been decided by agreement without arbitration.]

	In the matter of an Agreement between _____	Name. Address. Description.
of	and	
of		

Be it remembered, that on the _____ day of _____, 19____, personal injury was caused at (state place of accident) to _____ late of _____ deceased, by accident arising out of and in the course of his employment and that on the _____ day of _____, 19____, the said _____ died as the result of such injury.

And that on the _____ day of _____, 19____, the following agreement was come to by and between _____ the dependants of the said _____ within the meaning of the above-mentioned Act, and the said _____ that is to say :

[Or And that on the _____ day of _____, 19____, the following decision was given by a committee representative of the said _____ and their workmen, having power to settle matters under the above-mentioned Act in the case of the said _____ and their workmen, that is to say :]

[Or And that on the _____ day of _____, 19____, the following award was made and given by me, the undersigned, being an arbitrator agreed on by _____

the dependants of the said _____ within the meaning of the above-mentioned Act, and the said _____, that is to say :]

[Here set out copy of agreement, decision, or award.]

[If a medical referee has been appointed to report, add :—

A copy of the report of Mr. a medical referee appointed to report in the above-mentioned matter, is hereto annexed.

[Add, if so, The said Mr.

attended the arbitration on the _____ day of _____, 19 ____.]

You are hereby requested to record this memorandum, pursuant to paragraph 9 of the second schedule to the above-mentioned Act.

Dated this _____ day of _____, 19 ____.

NOTE.—This form to be adapted to the circumstances of the case and the matter decided.

(iv.) Where Death resulted from Industrial Disease.

To the Clerk of the Peace of the County of _____

In the matter of the Workmen's Compensation Act, 1927.

and

In the matter of an Arbitration between

Name.
Address.
Description.

of

Applicant,

and

Name.
Address.
Description.

of

Respondents.

[Or, where the matter has been decided by agreement without arbitration.]

In the Matter of an Agreement between

Name.
Address.
Description.

of

and

Name.
Address.
Description.

of

Be it remembered,

That on the _____ day of _____, Mr. _____, the certifying surgeon under the Factory and Workshop Act, 1901, for the district of _____ [or Mr. _____, one of the medical referees appointed by the Secretary of State for the purposes of the Workmen's Compensation Act, 1927], certified that A.B. _____ of _____ was suffering from _____, a disease coming within section 44 of the Workmen's Compensation Act, 1927, and was thereby disabled from earning full wages at the work at which he was employed; and on the _____ day of _____ the said A.B. _____ died, his death being caused by said disease;

[Or, That on the _____ day of _____ A.B. _____ of _____ was in pursuance of special rules [or regulations] made under the Factory and Workshop Act, 1901, suspended from his usual employment on account of his having contracted _____, a disease coming within section 44 of the Workmen's Compensation Act, 1927, and on the _____ day of _____ the said A.B. _____ died, his death being caused by the said disease :]

[Or, that on the _____ day of _____ A.B. _____ late of _____ died, his death being caused by _____, a disease coming within section 44 of the Workmen's Compensation Act, 1927 :

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

And that on the _____ day of _____, 19 _____,
the following agreement was come to by and between _____,

the dependants of the said _____
within the meaning of the above-mentioned Act, and the said _____

that is to say :

[Or And that on the _____ day of _____, 19 _____,
the following decision was given by a committee representative of the said _____

and their workmen, having power to settle matters under the above-mentioned
Act in the case of the said _____
and their workmen, that is to say :]

[Or And that on the _____ day of _____, 19 _____,
the following award was made and given by me, the undersigned _____,

being an arbitrator agreed on by _____

the dependants of the said _____
within the meaning of the above-mentioned Act, and the said _____,
that is to say :]

[Here set out copy of agreement, decision, or award.]

[If a medical referee has been appointed to report, add :—

A copy of the report of Mr. _____
a medical referee appointed to report in the above-mentioned matter, is here-
unto annexed.

[Add, if so, The said Mr. _____
attended the arbitration on the _____ day of _____, 19 _____
You are hereby requested to record this memorandum, pursuant to paragraph
9 of the second schedule to the above-mentioned Act.

Dated this _____ day of _____, 19 _____.

NOTE.—This form to be adapted to the circumstances of the case and the matter
decided.

FORM 35.

Rules 40 (3) 46.

Information to be supplied where a Memorandum of an agreement as to the re-
demption of a weekly payment by a lump sum, or as to the amount of compensation
payable to a person under any legal disability, or to dependants, or as to the
amount of compensation payable in the form of a weekly payment or of a lump
sum to a workman is presented for registration.

A. In case of agreement with injured workman.

[Heading as in Memorandum.]

(a.) A.B. _____ named in the memorandum of agreement
presented for registration in this matter was at the date of the accident [or
disablement or suspension] _____
years of age.

(b.) He was employed as _____, and his average weekly earnings
computed in accordance with the above-mentioned Act were _____

(c.) He was injured by _____, and the nature of his injury
was as follows :

(d.) He was totally incapacitated for work for a period of _____
but recovered and was fit to resume his ordinary work on the
day of _____, 19 _____,

[or He was and is at present totally incapacitated for work, but is expected
to recover and to be fit to resume his ordinary work in about _____]:

[or He was totally incapacitated for work for a period of _____,
and is now partially incapacitated, but such partial incapacity is not likely to be
permanent, and he is expected to recover and to be fit to resume his ordinary
work in about _____]:

[or He was and is totally incapacitated for work, and such incapacity is likely to be permanent]:

[or He was totally incapacitated for work for a period of and is still partially incapacitated, and such partial incapacity is likely to be permanent, but he is able to do light work, and it is estimated that he is able to earn an average weekly amount of in some suitable employment or business]:

[or as the case may be].

(e.) The said received the following payments, allowances, or benefits from his employers previous to the date of the agreement, viz. :—

[Here state payments made, and where a weekly payment has been made the amount of such payment, and the period for which it was paid.]

Rule 46 (1).

(f.) The said [is [or is not] an insured person within the meaning of the National Insurance Act, 1923 [add, if he is an insured person, and the name and address of the Insurance Commissioners [or of the society or committee] concerned in the administration of the benefit to which he is entitled under the said Act and his membership No. are as follows :—

[State name and address.]

Dated this day of , 19

B. Where death resulted from the injury or industrial disease.

[Heading as in Memorandum.]

(a.) A.B. named in the memorandum of agreement presented for registration in this matter, was at the date of the accident [or disablement or suspension or death] years of age.

(b.) He was employed as , and his earnings in the employment of during the three years next preceding the injury in the said memorandum mentioned [or his average weekly earnings during the period of his employment under] were

(c.) He left the following dependants wholly dependant upon his earnings, and the following dependants partially dependent, viz. :—

[Here state dependants, with their relationship to the deceased, their ages, and particulars showing how and to what extent they were dependent.]

[Or, He left no dependants wholly dependent upon his earnings, but left the following dependants, partially dependent, viz. :—

[Here state dependants, with their relationship to the deceased, their ages, and particulars showing how and to what extent they were dependent.]

(d.) The said received the following payments, allowances, or benefits from his employers after the accident [or disablement or suspension] viz. :—

Dated this day of , 19

To be signed in accordance with Rule 43, para. 2. Rule 44.

FORM 36.

Notice of Memorandum having been received.

In the County Court of Division of

[Heading as in Memorandum.]

TAKE NOTICE, that a memorandum, copy of which is hereto annexed, has been sent to me for registration.

Such memorandum appears to effect you.

I have therefore to request you to inform me within 7 days from this date whether you admit the genuineness of the memorandum, or whether you dispute it, and if so, on what grounds.

If you do not inform me in due course that you dispute the genuineness of the memorandum it may be recorded without further inquiry, and will be enforceable accordingly.

If you dispute its genuineness, it will not be recorded, except with your consent in writing, or by order of the judge of this Court.

Dated this day of

Clerk of the Peace.

To (all parties interested).

FORM 36A.

Rule 44.

NOTICE TO APPROVED SOCIETY OR COMMITTEE OF MEMORANDUM HAVING BEEN RECEIVED.

In the County Court of _____
helden at _____
[Heading as in Memorandum.]

Take notice that a memorandum, copy of which is hereto annexed, has been sent to me for registration.

Such memorandum may affect you as the Approved Society or Committee by which sickness or disablement benefit under the National Health Insurance Act, 1924, payable to the workman is administered.

I have therefore to request you to inform me within ten days from this date whether you object to its registration, and if so, on what grounds.

The workman's membership number is _____

Dated this _____ day of _____

Clerk of the Peace.

To (the approved society or committee interested).

FORM 37.

Rule 44 (c).

Notice disputing Genuineness of Memorandum, or Notice by Employer objecting to Memorandum being recorded.

In the County Court of _____
Division of _____
[Heading as in Memorandum.]

(1) Notice disputing Genuineness of Memorandum.

TAKE NOTICE, that _____ (state name of party disputing), a party [or parties] interested, disputes [or dispute] the genuineness of the memorandum sent to you for registration in the above-mentioned matter on the following grounds:—

[here state grounds, as e.g.]

- (a) That no such agreement has in fact been entered into: or
- (b) That the terms of the agreement are not correctly stated in the memorandum: or
- (c) That the agreement is no longer subsisting or enforceable: or
- (d) That the agreement is not enforceable by reason of its having been entered into under a mutual mistake [or having been obtained by fraud] [or undue influence] [or improper means].

Dated this _____ day of _____

[To be signed by the party disputing or his solicitor, or in case of employers by their duly authorised official, employee, or agent.]

To the Clerk of the Peace.

(2) Notice by Employer objecting to Memorandum being recorded.

TAKE NOTICE, that _____ (state name of employer) objects [or object] to the memorandum sent to you for registration in the above-mentioned matter being recorded on the ground that the above-mentioned (workman) has in fact returned to work and is earning the same wages as he did before the accident.

Dated this _____ day of _____

[To be signed by the employer or his solicitor, or duly authorised official, employee, or agent.]

To the Clerk of the Peace.

FORM 38.

Rule 45.

Notice that Genuineness of Memorandum is disputed, or of Objection by Employer to Memorandum being recorded.

[Heading as in Memorandum.]

TAKE NOTICE, that _____ of a party [or parties] interested in the memorandum left with [or sent to] me for registration in the above-mentioned matter, has [or have] filed with me a notice, copy of which is sent herewith, that he disputes [or they dispute] the genuineness of the said memorandum on the grounds stated in the said notice.

[or TAKE NOTICE, that _____ of [the employer] has [or have] filed with me a notice, copy of which is sent herewith, that he objects [or they object] to the memorandum left with [or sent to] me for registration in the above-mentioned matter being recorded on the grounds stated in the said notice.]

The memorandum will therefore not be recorded, except with the consent in writing of the said _____, or by order of the judge of this Court.

Dated this _____ day of _____

Clerk of the Peace.

To (all parties interested).

Rule 47.

FORM 39.

Notice of Application for Registration of Memorandum or for Rectification of Register.

In the County Court of
Division of

[*Heading as in Memorandum.*]

TAKE NOTICE, that I intend to apply to the judge at the Court to be holden at _____, on the _____ day of _____, for an order for the registration of the memorandum sent to the Court of the Peace in the above-mentioned matter [or for an order for the rectification of the memorandum recorded in the above-mentioned matter] by (*state particulars of rectification applied for*),

and for consequential directions, and for costs.

Dated this _____ day of _____

Applicant.

To the Clerk of the Peace

[or

Applicant's Solicitor.]

and to (*all parties interested, or to their Solicitors.*)

Rule 50.

FORM 40.

Request for Information under Rule 50, paragraph 2:

In the County Court of
Division of

In the matter of the Workmen's Compensation Act, 1927.

In the Matter of an Agreement between _____ and _____
of _____ and _____ of _____

With reference to the memorandum of agreement in the above-mentioned matter which has been sent to me for registration, I have to request you to inform me, by letter or by personal interview at my office situate at _____

_____, of any facts relating to the agreement and the circumstances in which it was arrived at which you may desire to bring to my notice, and which may assist me in deciding whether the agreement may properly be recorded.

Dated this _____ day of _____

Clerk of the Peace.

To (*all parties interested.*)

Rule 50 (2).

FORM 40A.

NOTICE REQUIRING INFORMATION OR ATTENDANCE UNDER SECTION 23 (3) OF THE WORKMEN'S COMPENSATION ACT, 1927.

In the County Court of _____ holden at _____

[*Heading as in Memorandum.*]

With reference to the memorandum of agreement in the above-mentioned matter which has been sent to me for registration.

Take notice that I require you to furnish me in writing [or orally] within _____ days from this date, with the following information:—

[*Here state information required.*]

[or Take notice that I require your attendance before me at _____ on the _____ day of _____ at the hour of _____ o'clock in the noon.]

If you fail to comply with the above requirement, I may refuse to record the memorandum and refer the matter to the judge, who will in that event have power to make such order as he may think just.

Dated this _____ day of _____

Clerk of the Peace.

To (*a party to the agreement.*)

Rule 50 (2).

FORM 40B.

Request for Information under Rule 48, paragraph 2.

In the County Court of _____

holden at _____

In the Matter of the Workmen's Compensation Act, 1927.

and
In the Matter of an Agreement between
of and of

With reference to the memorandum of agreement in the above-mentioned matter which has been sent to me for registration, I have to request you to inform me, by letter or by personal interview at my office situate at , of any facts relating to the agreement and the circumstances in which it was arrived at which you may desire to bring to my notice, and which may assist me in deciding whether the agreement may properly be recorded.

Dated this day of

Clerk of the Peace.

To (all parties interested).

FORM 40c.

Rule 50 (3).

Notice to Approved Society or Committee of Attendance of Party to Agreement under the Workmen's Compensation Act, 1927. Rule 50.

In the County Court of holden at

[Heading as to Memorandum.]

With reference to the memorandum of agreement in the above-mentioned matter which has been sent to me for registration.

TAKE NOTICE that I have required the attendance of [one of] the above-named parties to the agreement before me at on the day of at the hour of o'clock in the noon.

If you wish to appear before me on that occasion, you are entitled to do so in accordance with section of the Workmen's Compensation Act, 1927.

Dated this day of

To (the approved society or committee interested).

FORM 41.

Rule 50 (5).

Notice to Parties where Clerk of the Peace refers the Question of recording a Memorandum of an Agreement to the Judge under Section 25 (4).

In the County Court of
Division of

[Heading as in Memorandum.]

TAKE NOTICE, that I have refused to record the memorandum sent to me in this matter for registration, and have referred the matter to the judge, pursuant to sub-section 4 of section 25 of the Act, it appearing to me that the said memorandum ought not to be registered by reason of

- (a) the inadequacy of the lump sum agreed to be paid in redemption of the weekly payment referred to in the memorandum; or
- (b) the inadequacy of the weekly payment [or the lump sum] agreed to be paid as compensation to , in the memorandum mentioned, who is an insured person within the meaning of the National Insurance Act, 1924; or
- (c) the inadequacy of the amount of compensation agreed to be paid to , a person under legal disability; or
- (d) the inadequacy of the amount of compensation agreed to be paid to and , dependants; or
- (e) the agreement having been obtained by fraud [or undue influence or improper means].

AND FURTHER TAKE NOTICE, that by order of the judge you are hereby summoned to attend before the judge at a Court to be holden at on the day of , at the hour of in the noon, when the matter will be inquired into by the judge;

And that if you do not attend either in person or by your solicitor on the day and at the hour above-mentioned such order will be made and proceedings taken as the judge may think just and expedient.

Dated this day of

Clerk of the Peace.

To (all parties interested).

Rule 49 (1).

FORM 42.

Application for Removal of Record of Memorandum of Agreement from Register under Section 25 (5).

In the County Court of

Division of

[*Heading as in Memorandum.*]

TAKE NOTICE that I intend to apply to the judge at the Court to be held at
 , on the day of
 at the hour of in the noon, for an order for the removal
 from the register of the record of the memorandum of the agreement in the
 above-mentioned matter which was recorded on the day of
 pursuant to sub-section 5 of section 25 of the above-mentioned Act, on the ground
 that the said agreement was obtained by fraud [*or undue influence or improper
 means*],
 and for consequential directions, and for costs.

Dated this day of

Applicant.

[*Or Applicant's Solicitor.*]

To the Clerk of the Peace
 and to (*all parties interested*).

Rule 49 (2).

FORM 43.

Notice to Parties where Judge directs Inquiry as to Removal of Record of Memorandum of Agreement from Register under Section 25 (5).

In the County Court of

Division of

[*Heading as in Memorandum.*]

WHEREAS it has been made to appear to the judge that an inquiry should
 be held as to the removal from the register of the record of the memorandum
 of the agreement in the above-mentioned matter which was recorded on the
 day of , pursuant to sub-section 5 of section
 25 of the above-mentioned Act, on the ground that the said agreement was
 obtained by fraud [*or undue influence or improper means*]:

TAKE NOTICE, that you are hereby summoned to attend before the judge at
 a Court to be holden at on the
 day of at the hour of in the noon
 when the matter will be inquired into by the judge;

AND that if you do not attend either in person or by your solicitor on the day
 and at the hour above-mentioned such order will be made and proceedings taken
 as the judge may think just and expedient.

Dated this day of

Clerk of the Peace.

To (*all parties interested*).

Rule 51 (1)

FORM 44.

Form of Certificate under Section 29, Sub-section 2.

In the County Court of

Division of

Between

A.B.,

of (*address*)
 (*description*)

Plaintiff.

and

C.D. & Co., Limited.
 of (*address*)

Defendants.

And in the matter of the Workmen's Compensation Act, 1927.
 I hereby certify that on _____ day of _____ the above-named plaintiff commenced the above-named action against the above-named defendants claiming

[here state claim of plaintiff in action.]

And that on the trial of the said action on the _____ day of _____ it was determined that the injury in respect of which the plaintiff claimed damages in the said action was one for which the defendants were not liable in the said action, but that such defendants would have been liable to pay compensation in respect of such injury under the above-mentioned Act;

And that thereupon the said action was dismissed, but the Court, on the request of the plaintiff, proceeded to assess the compensation which the defendants would have been liable to pay under the said Act.

And that the Court assessed such compensation at the sum of £ _____ and directed (*state directions given as to the payment of compensation, and directions, if any, as to costs, and as to the deduction from the compensation of any costs which in the judgment of the Court were caused by the plaintiff bringing the action instead of proceeding under the Act.*)

Dated this _____ day of _____

Judge.
 Clerk of the Peace.

FORM 45.

Rule 52 (1)-

Application for Summons of Medical Referee as Assessor.
 [Heading as in Request for Arbitration.]

The applicant [or respondent] applies to the judge to summon a medical referee to sit with him as an assessor, on the ground that questions are likely to arise in the arbitration as to the condition of the applicant or his fitness for employment [or as the case may be], and that it is desirable that the judge should have the assistance of a medical referee in the determination of such questions.

Dated this _____ day of _____

(Signed) A.B.

Applicant.

or

Solicitor for the Applicant.

To the Clerk of the Peace.

I consent to a medical referee being summoned to sit with me as an assessor. [or as the case may be.]

Judge.

FORM 46.

Rule 52 (8).

Summons to Medical Referee to sit as Assessor.

[Title as in Request for Arbitration.]

The _____ day of _____
 Sir,

You are hereby summoned to attend and sit with the Judge as an assessor at the court-house situate at _____ on the _____ day of _____ at the hour of _____ in the _____ noon.

I am, Sir,

Your obedient servant,

To _____ of _____

Clerk of the Peace.

FORM 47.

Rule 54 (2).

Application for Reference to Medical Referee under Section 19 (2), where only one party is the applicant, it is to be used with the necessary modifications.

In the County Court of _____
 Division of _____

In the matter of the Workmen's Compensation Act, 1906.

In the matter of a Claim for compensation made by A.B.

of _____, against C.D. & Co., Limited, of _____

[or, where an arbitration is pending,

In the matter of an arbitration between A.B.

of (address)
(description)

Applicant,

and

C.D. & Co., Limited

of (address)
(description)

Respondents.]

[or, where application is made after weekly payment has been settled,

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

Application is hereby made to the Court on behalf of the above-named A.B.
and C.D. & Co., Limited, for a reference in the above-mentioned matter to a
medical referee pursuant to sub-section (2) of section 19 of the above-mentioned
Act under the following circumstances:—

1. On the day of notice was given by
[or on behalf of] the above-mentioned A.B. to the above-mentioned
C.D. & Co., Limited , of personal injury caused to the said A.B.
by accident arising out of and in the course of his employment, in respect of which
injury the said A.B. claims compensation from the said C.D. & Co.,
Limited under the said Act.

[or, where arbitration is pending,

1. An arbitration under the said Act is pending between the above-mentioned
A.B. and the above-mentioned C.D. & Co., Limited,
as to the amount of compensation payable to the said A.B. under
the said Act in respect of personal injury caused to him by accident arising out of
and in the course of his employment.]

[or, where weekly payment has been settled,

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

2. The weekly payment claimed by [or payable to] the said A.B.
is

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

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

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

Dated this day of

(Signed)

Applicant.
[or Applicant's Solicitor.
C.D. & Co., Limited,
Secretary.

by

[or
Solicitors for C.D. & Co., Limited.]

To the Clerk of the Peace.

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FORM 48.

Rule 54 (3).

Order of Reference. Section 19.

In the County Court of
Division of

[Trading as in Application.]

On the applicatioy of A.B. of and C.D. & Co., Limited, of (a copy of which is hereto annexed), I hereby appoint Mr. of , one of the medical referees appointed by the Secretary of State for the purposes of the Workmen's Compensation Act, 1927, 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 conditions 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 Clerk of the Peace at the County Court Office situate at on or before the day of

TAKE NOTICE that this Order shall take effect unless a Notice of Appeal, in writing, to the Judge be lodged in this office within four days from this date. If by one party.

Dated this day of

Clerk of the Peace.

FORM 49.

Rules 54 (4).
73 (8).

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

In the County Court of
Division of

[Heading as in Application.]

To A.B. , of [address and description].

TAKE NOTICE, that I have appointed Mr. , of , one of the medical referees appointed by the Secretary of State for the purposes of the Workmen's Compensation Act, 1927, to examine you in accordance with the application in the above-mentioned matter for a reference to a medical referee.

You are hereby required to submit yourself for examination by the referee [add, where work is in a fit condition to travel, and to attend for that purpose at such time and place as may be fixed by him]

Dated this day of

Clerk of the Peace.

Rule 54 (8).

FORM 50.

Notice to parties of Certificate of Medical Referee.

In the County Court of

Division of

[Heading as in Application.]

TAKE NOTICE, that I have received the certificate of the medical referee appointed in this matter, and that you may inspect the same during office hours at my office situate at _____; and may on request and at your own cost be furnished with or take a copy thereof.

Dated this _____ day of _____

Clerk of the Peace.

To

and

Rule 56 (10).

FORM 50A.

In the County Court of

In the matter of the Workmen's Compensation Acts, 1906-1927.

In the matter of a verbal agreement as to the weekly payment payable to

TAKE NOTICE that the said _____ hereby appeals against the determination of the Clerk of the Crown and Peace made in this matter on the _____ day of _____ and will apply to His Honour _____ aforesaid _____ on the _____ day of _____ for an Order that the said determination be set aside on the ground that

Dated this _____ day of _____

Solicitor for the said

To the Clerk of the Crown and Peace,
for the County of _____

Rule 55 (1).

FORM 51.

Notice of Application for Suspension of Right to Compensation or to take or prosecute Proceedings in relation to Compensation, or of Right to Weekly Payments, under Sections 17, 18 or 19.

In the County Court of

Division of

In the matter of the Workmen's Compensation Act, 1927.

In the matter of a claim for compensation made by A.B.

of _____ against C.D. & Co., Limited, of _____
[or, where an arbitration is pending,

In the matter of an arbitration between

A.B.

of (address)

(description)

Applicant.

and

C.D. & Co., Limited,

of (address)

(description)

Respondents.]

[or, where application is made after weekly payment has been settled,

In the matter of an agreement [or a decision or an award or a certificate] recorded in the above-mentioned court as to the weekly payment payable to A.B. of

by C.D. & Co., Limited,

of .]

TAKE NOTICE, that I intend to apply to the judge at on the . day of at the hour of in the noon [on behalf of Messrs. C.D. & Co., Limited, of, &c.,] for an order suspending your right to compensation in the above-mentioned matter and to take or prosecute any proceedings under the above-mentioned Act in relation to compensation [or suspending your right to weekly payments in the above-mentioned matter], on the ground that you refuse to submit yourself to medical examination as required by me [or by the said C.D. & Co., Limited,] in accordance with section 17 [or section 18] of the Act [or that you obstruct the medical examination required by me [or by the said C.D. & Co., Limited] in accordance with section 17 [or section 18] of the Act, [or on the ground that you refuse to submit yourself for examination by a medical referee as ordered under section 19 of the Act, or that you obstruct the examination by a medical referee ordered under section 19 of the Act] and for consequential directions, and for costs.

Dated this day of

To A.B., of and to Messrs. his Solicitors

(Signed) C.D. & Co., Limited,

by Secretary.

[Or

Solicitors for C.D. & Co., Limited.]

FORM 52.

Rule 59 (2).

Request for Lodgment under Rule 59 (2).

In the County Court of Division of

In the matter of the Workmen's Compensation Act, 1927.

and

In the matter of an Arbitration between

A.B.

of, &c.

and

Applicant.

C.D. & Co., Limited,

of, &c.

Respondents

or

[In the matter of an Agreement between

A.B.

of, &c.

and

C.D. & Co., Limited,

of, &c.

or,

[In the matter of a Certificate given in an action in (state court).

Between

A.B.

of, &c.

Plaintiff

and

C.D. & Co., Limited,

of, &c.

Defendants]

[or as the case may be.]

TAKE NOTICE, that C.D. & Co., Limited, of
 [or Messrs. solicitors for C.D. & Co., Limited,
 of] desire to pay into court [when paid by
 solicitors add at the request and by the authority of the said C.D. & Co., Limited
], the sum of [state sum in letters
 being the sum awarded [or agreed or directed] to be paid by the said C.D. and Co.,
 Limited, as compensation in the above-mentioned matter.

Dated this day of

(Signed) C.D. & Co., Limited.

by

Secretary,

[Or

Solicitors for C.D. & Co., Limited].

To the Clerk of the Peace.

Authority to Lodge Money.

To the of the Bank } Let C.D. & Co., Ltd., of Bank at lodge
 of the in the the sum of £ to the credit of the county
 Bank the sum of £ and to the separate credit
 court account of the county of
 of the above matter.

Dated this day of

£ : :

Clerk of the Crown and Peace.

Receipt by the Bank.

The

Bank

The

day of

Pursuant to the authority to lodge issued in this matter and bearing date
 the day of 19 C.D. & Co., Limited, of
 have lodged in the bank the sum of
 which has been placed to the credit of the county court account of the county
 of and to the separate credit of
 (set out the title as in the Request for Lodgment).

Signed,

£ : :

To the Clerk of the Crown and Peace.

Rule 59 (2).

FORM 53.

*Request for Lodgment in Court under Section 26, and Rule 59 (2) where there is no
 dispute as to the liability to pay Compensation, but the amount payable has not
 been ascertained or decided by Arbitration or Agreement.*

In the County Court of

Division of

In the Matter of the Workmen's Compensation Act, 1927.

and

In the matter of an injury by accident to A.B.

late

of , which resulted in the death of the
 said A.B.

TAKE NOTICE,

I. That on the day of personal injury by accident
 arising out of and in the course of his employment was caused at
 (state place of accident) to A.B.

, late of

deceased, a workman employed by

[or by , a contractor with for
 the execution of work undertaken by them,] and on the day
 of the death of the said A.B. resulted from the
 injury.

[Or in case of industrial disease,

TAKE NOTICE,

1. That on the _____ day of _____
 Mr. _____ the certifying surgeon under the Factory and Workshop
 Act, 1901, for the district of _____ [or Mr. _____ one
 of the medical referees appointed by the Secretary of State for the purposes
 of the Workmen's Compensation Act, 1927], certified that A.B.
 of _____ was suffering from _____, a disease coming
 within section 44 of the Workmen's Compensation Act, 1927, and was thereby
 disabled from earning full wages at the work at which he was employed; and
 on the _____ day of _____ the said A.B. _____ died, his death
 being caused by the said disease.]

[Or, that on the _____ day of _____ A.B.
 of _____ was in pursuance of special rules [or regulations] made
 under the Factory and Workshop Act, 1901, suspended from his usual employ-
 ment on account of his having contracted _____, a disease coming
 within section 44 of the Workmen's Compensation Act, 1927, and on the
 day of _____ the said A.B. _____ died, his death being
 caused by the said disease.]

[Or That on the _____ day of _____ A.B. _____ late
 died, his death being caused by _____, a disease
 coming within section 44 of the Workmen's Compensation Act, 1927;

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

2. There is no dispute as to the liability of the said _____ to
 pay compensation under the above-mentioned Act to the dependants of the said
 A.B. _____ in respect of the injury caused to them by the death
 of the said A.B. _____, but the amount payable as compensation has not
 been ascertained or decided either by a committee or by arbitration or by
 agreement.

3. The said _____ of _____
 [or Messrs. _____, solicitors for the said
 of _____] [desire to pay into court [when paid by
 solicitors, add at the request of the said _____] the sum
 of _____ (state sum in letters) being the amount admitted by the
 said _____ to be payable by them as compensation in the above-
 mentioned matter.

4. (a) The said A.B. _____ was at the date of the accident [or disable-
 ment or suspension or death] _____ years of age.

(b.) He was employed as _____, and his earnings in the
 employment of the said _____ during the three years next preceding
 the injury [or disablement or suspension or death] [or his average weekly earnings
 during the period of this employment under the said _____
] were _____

5. To the best of the knowledge and belief of the said _____ the
 persons interested in the said sum as dependants of the said A.B. _____
 are _____

[State dependants, with their ages and relationship to deceased workman,
 and places of residence, as far as known, and in the case of any amount
 lodged in respect of children's allowance the particulars shewing how such
 amount is calculated.]

6. The amount admitted by the said _____
 to be payable as compensation has been arrived at as follows, viz. :—

Dated this _____ day of _____

(Signed)
 [or _____

Solicitors for

To the Clerk of the Peace.

For Form of Authority to Lodge and Receipt by Bank, see Form 52.

Rule 59 (2).

FORM 54.

Request for Lodgment in Court under Section 26, and Rule 61 (1) where liability to pay Compensation is denied, but the Employer is willing to pay a Sum in Settlement.

In the County Court of

Division of

In the matter of the Workmen's Compensation Act, 1927,
and

In the matter of a claim for compensation made by the dependants of A.B.
late of , deceased, against C.D.

of

TAKE NOTICE

1. That a claim has been made under the above-mentioned Act [or on behalf of] the dependants of A.B. , of , late of , deceased, against C.D. , for compensation

in respect of the injury caused to such dependants by the death of the said A.B. , who died on the day of , 19

2 The said dependants allege that the death of the said A.B. resulted from personal injury by accident arising out of and in the course of his employment caused to the said A.B. on the day of

at (state place of accident) while he was employed as a workman by the said C.D. [or by E.F. , a contractor with the said C.D. for the execution of the work undertaken by them].

[Or, in case of industrial disease.

2. The said dependants allege that the death of the said A.B. was caused by , a disease coming within section 8 of the Workmen's Compensation Act, 1906, and that the above-mentioned disease was due to the nature of the employment of the said A.B. in (describe employment), and that he was last employed in such employment within the twelve months previous to his disablement [or suspension from his usual employment], [or, if the workman died without having obtained a certificate of disablement, or was not at the time of his death in receipt of a weekly payment on account of disablement, within the twelve months previous to his death] by the said C.D.]

3. The said C.D. deny their liability to pay compensation under the above-mentioned Act to the dependants of the said A.B. , but to avoid litigation are willing to pay the sum of £ in full settlement of all claims to such compensation, and such of the dependants of the said A.B. as are not under disability are willing to accept such sum in settlement.

4. The said C.D. , of [or Messrs. , solicitors for the said C.D. , of], desire to pay into court when paid in by solicitors add at the request of the said C.D. the sum of [state sum in letters] being the amount which they are willing to pay in full settlement of all claims to compensation in the above-mentioned matter.

5. (a) The said A.B. was at the date of the accident [or disablement or suspension or death] years of age.

(b.) He was employed as , and his earnings in the employment of the said C.D. during the three years next preceding the injury [or disablement or suspension or death] [or his average weekly earnings during the period of his employment under the said C.D.] were

(c.) To the best of the knowledge and belief of the said C.D. the persons interested as dependants of the said A.B. are [state dependants, with their ages and relationship to deceased, so far as known, and in the case of any amount lodged in respect of children's allowance the particulars shewing how such amount is calculated.]

6. The grounds on which the said C.D. deny their liability to pay compensation are as follows, viz. :—

Dated this day of 19

(Signed)

[or

Solicitors for

To the Clerk of the Peace of the said County.

For Form of Authority to Lodge and Receipt by the Bank, see Form 52.

FORM 55.

Notice to parties where Clerk of the Peace refers the question of adequacy of amount paid into Court under, to the Judge.

In the County Court of
Division of

[*Heading as in Præcipe for Payment into Court.*]

TAKE NOTICE, that I have referred the question of the adequacy of the amount paid into Court in this matter to the judge.

AND FURTHER TAKE NOTICE, that by order of the judge you are hereby summoned to attend before the judge at a Court to be holden at

on the day of
at the hour of in the noon, when the matter will be inquired into by the judge.

And that if you do not attend either in person or by your solicitor on the day and at the hour above-mentioned such order will be made and proceedings taken as the judge may think just and expedient.

Dated this day of

Clerk of the Peace.

To [*the employer and the persons appearing by the præcipe to be interested in the amount paid in.*]

FORM 56.

Rule 57 (4),
58 (4) (6).

Notice by Clerk of the Peace of Payment into Court under Section 26.

(i.)

(i.) *Where amount payable has been ascertained or decided, and payment into Court is made under Rule 59.*

In the County Court of
Division of

[*Heading as in Request for Payment into Court.*]

TAKE NOTICE, that the sum of has been paid into Court as compensation in the above-mentioned matter.

Any person interested in the said sum may apply to the Court for an order for the investment and application of the said sum for the benefit of the person entitled thereto in accordance with section 26, Workmen's Compensation Act, 1927, and the rules of Court made under the said Act.

Dated this day of

To

Clerk of the Peace.

(ii.)

(ii.) *Where amount payable has not been ascertained or decided, and payment into Court is made.*

In the County Court of
Division of

[*Heading as in Request for Payment into Court.*]

TAKE NOTICE, that the sum of £ has been paid into Court as compensation in the above-mentioned matter.

If any question arises as to the adequacy of the amount paid into Court, such question, and all questions as to who are dependants, and the amount payable to each dependant, must be settled by arbitration in accordance with the above-mentioned Act and the Rules of Court made under the said Act.

If no question arises as to the adequacy of the amount paid into Court, any person interested in the said sum may apply to the Court for an order for the investment and application of the said sum for the benefit of the persons entitled thereto in accordance with section 26 of the Workmen's Compensation Act, 1927, and the rules of Court made under the said Act.

Dated this day of

To

Clerk of the Peace.

FORM 57.

Application for Investment or Application of Money paid into Court under Section 26, 5.

(1) *Application for Investment and Application of the Sum paid into Court.*

In the County Court of
Division of

[*Heading as in Request for Payment into Court.*]

TAKE NOTICE, that I [name and address of applicant] intend to apply to the judge at _____ on the _____ day of _____ at the hour of _____ in the _____ noon, on behalf of myself and of [specify the persons on whose behalf the application is made], as dependants of the above-named A.B. for an order for the investment and application of the sum paid into court in the above-mentioned matter, and for the allotment of the same between the dependants of the said A.B.

To the best of my knowledge and belief the persons interested in the said sum as dependants of the said A.B. are
[*State dependants, with their ages and relationship to deceased workman and places of residence.*]

I intend to apply for an order for the investment and application of the said sum and for the allotment of the same between the dependants, of the said A.B.

as follows, viz. :—

[*State how applicant wishes the sum to be dealt with.*]

or in such other manner as the Court in its discretion thinks fit for the benefit of the persons entitled thereto under the above-mentioned Act, and for consequential directions.

Dated this _____ day of _____
(Signed)

To the Clerk of the Peace and [to any other parties interested, where the application is made on behalf of some only of the parties interested.]

(2) *Application for Investment and Application of the Amount allotted to any Person.*

In the County Court of _____ Division of _____

[*Heading as in Request for Payment into Court.*]

TAKE NOTICE, that I [name and address of applicant] intend to apply to the judge at _____ on the _____ day of _____ at the hour of _____ in the _____ noon on behalf of myself [or of _____] for an order for the investment and application of the sum paid into court in the above-mentioned matter and allotted to me [or to the said _____].

I intend to apply for an order for the investment and application of the said sum as follows, viz. :—

[*State how applicant wishes the sum to be dealt with.*]

or in such other manner as the court in its discretion thinks fit for my benefit [or for the benefit of the said _____], and for consequential directions.

Dated this _____ day of _____
(Signed)

To the Clerk of the Peace.

Rule 62 (1).

FORM 58.

Application for Order for Payment into Court of Weekly Payment payable to Persons under Disability. Section 26, Rule 62.

In the County Court of _____ Division of _____

[*Heading as in Award, Memorandum or Certificate.*]

TAKE NOTICE, that I [name and address of applicant] intend to apply to the judge at _____ on the _____ day of _____ at the hour of _____ in the _____ noon, for an order that the weekly payment payable in the above-mentioned matter to _____ a person under legal disability [or to me] be during his [or my] disability paid into court, and for consequential directions.

Dated this _____ day of _____
(Signed)

To the Clerk of the Peace and (to the parties interested).

FORM 59.

Rule 63.

Application for Variation of Order under Section 22, Rule 63.

[Heading as in Award, Memorandum or Certificate.]

TAKE NOTICE, that I [name and address of applicant] intend to apply to the judge at _____ on _____ the day of _____ at the hour of _____ in the _____ noon, for an order that the order of the court [or the award] made in the above-mentioned matter on the _____ day _____ as to the apportionment of the sum paid as compensation among the dependants of A.B. _____ deceased [or as to the manner in which the sum payable to a dependant of A.B. _____ deceased, should be invested, applied or otherwise dealt with] _____ may be varied by directing [here state variation claimed by applicant] _____ and for consequential directions. And further take notice that the circumstances in which this application is made are

(State particulars.)

Dated this _____ day of _____

(Signed)

[Or

Applicant.

Applicant's Solicitor.]

To the Clerk of the Peace and to (all persons interested).

FORM 60.

Rule 66.

Application by Workman intending to cease to reside in the United Kingdom for Reference to Medical Referee under Section 16, Rule 66.

In the County Court of _____ Division of _____

In the matter of the Workmen's Compensation Act, 1927, and _____

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

TAKE NOTICE, that A.B. _____ of _____, to whom under an agreement [or a decision or an award or a certificate] in the above-mentioned matter recorded in this Court on the _____ day of _____ a weekly payment of _____ is payable by the above-mentioned C.D. & Co., Limited, _____ as compensation for personal injury caused to the said A.B. _____ by accident arising out of and in the course of his employment, intends to cease to reside in the United Kingdom ;

And that the said A.B. _____ intends to apply to the Clerk of the Peace at _____ on _____ the _____ day of _____ at the hour of _____ in the _____ noon, for an order referring to a medical referee the question whether the incapacity of the said A.B. _____ resulting from the injury is likely to be of a permanent nature.

A report of a medical practitioner, setting out the nature of the incapacity of the said A.B. resulting from the injury is hereto annexed.

Dated this _____ day of _____

(Signed)

Applicant.

[Or

Applicant's Solicitor.]

To the Clerk of the Peace and to (the employer).

Rule 66 (6).

FORM 61.

Order of Reference, Section 16, Rule 66.

In the County Court of _____ Division of _____
 On the application of _____ of _____
 (a copy of which is hereto annexed),
 I hereby appoint Mr. _____ of _____
 one of the medical referees appointed by the Secretary of State for the purposes
 of the Workmen's Compensation Act, 1927, to examine the said (*name of workman*)
 , and to give his certificate as to whether the incapacity
 of the said (*name of workman*) _____ resulting from the injury is
 likely to be of a permanent nature.
 A copy [or copies] of the report [or reports] of the medical practitioner [or
 practitioners] by whom the said _____ has been examined is
 [or are] hereto annexed. [*Add, if so, Copies of the statements submitted to me*
by the parties are also hereto annexed.]
 The said _____, who is now at _____
 has been directed to submit himself for examination by the referee.
 I am satisfied that the said _____ is in a fit condition
 to travel for the purpose of being examined, and he has been directed to attend
 on the referee for examination at such time and place as may be fixed by the
 referee.
 [or The said _____ does not appear to be in a fit
 condition to travel for the purpose of being examined.]
 The referee is requested to forward his certificate to the Clerk of the Peace
 at the County Court Office situate at _____
 on or before the _____ day of _____, specifying
 therein the nature of the incapacity of the said _____, resulting
 from the injury, and whether such incapacity is likely to be of a permanent
 nature.

Dated this _____ day of _____

Judge [or Clerk of the Peace].

Rule 66:

FORM 62.

[To be printed on thick blue foolscap.]

Certificate of Identity.

[TO BE CAREFULLY PRESERVED.]

NOTICE.—THIS CERTIFICATE IS NO SECURITY WHATSOEVER FOR A DEBT.

No. of Certificate _____
 In the County Court of _____ Division of _____
 [*Heading as in Award, Memorandum, or Certificate.*]
 This is to certify that A.B. _____ late of (*address and description*), is
 entitled to a weekly payment of _____ from (*name and address of*
employer)
 as compensation payable to the said A.B. _____ in respect of personal
 injury caused to him by accident arising out of and in the course of his employ-
 ment, such weekly payment to continue during the total or partial incapacity
 of the said A.B. _____ for work :
 And that the description of the said A.B. _____ and his incapacity for
 work, as certified by the medical referee appointed in this matter, are as follows :—

Age,

Height,

Hair,

Eyes,

Nature of incapacity,

[Describe nature of incapacity, as in certificate of medical referee.]

Dated this _____ day of _____

Clerk of the Peace.

FORM 63.

Rule 66 (10)
(d).

Notice to be given to Workman intending to cease to reside in the United Kingdom.

[Heading as in Award, Memorandum, or Certificate.]

TAKE NOTICE, that if you desire to obtain payment of the weekly payments payable to you under the award [memorandum or certificate] hereto annexed while you are residing out of the United Kingdom, you must, at intervals of three months from the date up to which such payments have been made, submit yourself to examination by a medical practitioner in the place where you are residing, and produce to him the copy of the certificate of the medical referee and the certificate of identity hereto annexed; and you must obtain from such medical practitioner a certificate in the form hereto annexed that he has examined you, and that your incapacity resulting from the injury specified in the certificate of the medical referee continues; and such certificate must be verified by the medical practitioner by declaration in your presence before some such person as hereinafter mentioned.

You must also attend before some such person as hereinafter mentioned and, make a declaration in the form hereto annexed that you are the same person as mentioned in the copy of the certificate of the medical referee and in the certificate of identity hereto annexed, and in the certificate of the medical practitioner by whom you have been examined, producing to such person the copy and certificates above mentioned.

You must then transmit to me, at my office, situate at the certificate of the medical practitioner by whom you have been examined, and your declaration, together with a request for transmission to you of the amount of the weekly payments due to you, specifying the place where and the manner in which the amount is to be transmitted, according to the form hereto annexed, which request must be signed in your own handwriting.

In the event of your death while residing out of the United Kingdom, your representatives must, in order to obtain payment of the arrears due to you, transmit to me at my office, situate at _____, a certificate of your death, and documents showing that they are entitled to such arrears, verified by declaration before a person having authority to administer an oath, with a request for transmission to them of the amount of such arrears, specifying the place where and the manner in which such amount is to be transmitted to them.

The expression "your representatives" means—

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

The persons before whom a certificate may be verified or a declaration made are:—

1. Any person having authority to administer an oath in the place in which you reside.
2. Any British Ambassador, envoy, minister, charge d'affairs, or secretary of embassy or legation, exercising his functions in any foreign place in which you reside, or any British consul-general, consul, vice-consul, acting-consul, pro-consul, or consular agent exercising his functions in any foreign place in which you reside.

Dated this _____ day of _____

Clerk of the Peace.

To A.B.

of (address and description).

FORM 64.

Rule 66 (11)

Form of Medical Certificate to be obtained by Workman residing out of the United Kingdom.

[Heading as in Award, Memorandum, or Certificate.]

I (name, address, and medical qualification of medical practitioner) hereby certify, that I have this day examined A.B. of _____ whom I conscientiously believe to be the same person as A.B. of _____, described in the copy certificate of the medical referee in the

above-mentioned matter, dated the day of , and in the certificate of identity dated the day of produced to me by the said A.B. ; and that in my opinion the incapacity of the said A.B. resulting from the injury described in the said certificate of the medical referee still continues.

Dated this day of

(Signature)

Declared at this day of , in the presence of the said A.B. , the copy of the certificate of the medical referee and the certificate of identity above-mentioned being at the same time produced.

Before me—

[Signature and description of person before whom the declaration is made.]

Rule 66 (12).

FORM 65.

Declaration of Identity by Workman residing out of the United Kingdom.

[Heading as in Award, Memorandum, or Certificate.]

I, A.B. of hereby declare that I am the same person as A.B. of described in the copy of the certificate of the medical referee in the above-mentioned matter, dated the day of of , now produced by me, and in the certificate of identity, dated the day of , now produced by me, and the same person as A.B. of described in the certificate of declared by the said in my presence on the day of , and now produced by me.

(Signed)

Declared at this day of A.B. , the certificates above mentioned being at the same time produced.

Before me—

[Signature and description of person before whom the declaration is made.]

Rule 66 (13).

FORM 66.

Request for Transmission of Amount of Weekly Payments by Workman residing out of United Kingdom.

[Heading as in Award, Memorandum, or Certificate.]

Sir,

I herewith enclose medical certificate and affidavit of identity, and request that the amount of the weekly payments due to me in the above-mentioned matter may be transmitted to me at

(give full address)

(state how transmission to be made, as)—

by Post Office Order payable at

(name of Post Office)

or by bankers' draft on the

(name and address of Bank).

I am, Sir,

Your obedient Servant,
A.B.

[To be signed by the workman in his own handwriting.]

To the Clerk of the Peace.

of the County of

[add address of Clerk of Peace's Office.]

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FORM 67.

Rule 66 (15).

Notice by Clerk of Peace to Employer of Receipt of Medical Certificate and Declaration of Identity.

[Heading as in Award, Memorandum, or Certificate.]

TAKE NOTICE, that I have received proof of identity and of continuance of incapacity in the above-mentioned matter.

And I have to request you to transmit the sum of _____, being the amount of the weekly payments payable to A.B. _____ under the above-mentioned award [memorandum or certificate] from (the date to which they were last paid _____) to _____ (13 weeks from that date) to me, to be by me remitted to the said A.B.

Dated this _____ day of _____

Clerk of the Peace.

To (name and address of employer).

FORM 68.

Rule 68 (2).

Certificate of Clerk of the Peace where lump sum payable in Redemption of weekly Payments to French Citizen or Sum payable to Dependants of French Citizen is to be transmitted to France. Rule 68.

County of _____
Division of _____

In the matter of the Workmen's Compensation Act, 1927, and the Workmen's Compensation (Anglo-French Convention) Act, 1909.

In the matter of an arbitration between A.B. of _____, Applicant,
and _____

C.D. of _____, Respondents.

I hereby certify—

1. That on the _____ day of _____ an award was made by the Judge of this Court in the above-mentioned matter, whereby the above-mentioned C.D. _____ were ordered to pay to the above-mentioned A.B. _____, a French citizen, the weekly sum of _____ as compensation for personal injury caused to the said A.B. _____ on the _____ day of _____ by accident arising out of and in the course of his employment as a workman employed by the said C.D.

2. And that on the _____ day of _____ a further award was made by the Judge of this Court in the above-mentioned matter, whereby the above-mentioned C.D. _____ were ordered to pay to the said A.B. _____ the lump sum of £ _____ in redemption of the said weekly payment:

3. And that the said A.B. _____ has signified to me his intention of returning to reside in France.
[Or, in case of deceased workman,

I hereby certify—

1. That on the _____ day of _____ an award was made by the Judge of this Court in the above-mentioned matter, whereby the above-mentioned C.D. _____ were ordered to pay [here insert names of dependants, as appearing in the award]

_____ the dependants of A.B. _____, late of _____, deceased, a French citizen, the sum of £ _____ as compensation for the injury resulting to such dependants from the death of the said A.B. _____ which took place on the _____ day of _____ from injury caused to the said A.B. _____ on the _____ day of _____ by accident arising out of and in the course of his employment as a workman employed by the said C.D.

2. And that the dependants of the said A.B. _____ have signified to me their intention of returning to reside in France [or resided in France at the time of the death of the said A.B. _____].

I do therefore, pursuant to the Workmen's Compensation (Anglo-French Convention Act, 1909, and the Order in Council made thereunder, herewith pay over to the Caisse Nationale de Retraites pour la Vieillesse the sum of £ _____ sterling, being the total sum due to the said A.B. _____ [or to the dependants

of the said A.B.] under the said award, to be applied in accordance
with the said Convention.
Dated this day of

Clerk of the Peace.

To the Controller,
Caisse Nationale Francaise des Retraites pour la Vieillesse,
Paris, France.

Rule 68 (4).

FORM 69.

*Application by Workman in Receipt of weekly Payment, who is a French Citizen
and intends to return to reside in France, for Reference to Medical Referee.*

In the County Court of Division of

In the matter of the Workmen's Compensation Act, 1927,
and

In the matter of an award recorded in the above-mentioned Court as to the
weekly payment to A.B. of by C.D. & Co.,
Limited, of

TAKE NOTICE, that A.B. of , a French Citizen, to
whom under an award in the above-mentioned matter recorded in this Court on
the day of a weekly payment of is payable by the
above-mentioned C.D. & Co., Limited, as compensation for personal
injury caused to the said A.B. by accident arising out of and in the
course of his employment, intends to return to reside in France ;

And that the said A.B. intends to apply to the Clerk of the Peace
at on the day of , at the hour of
in the noon, for a certificate of a medical referee as to the
nature of the incapacity of the said A.B. resulting from the injury.

Dated this day of

(Signed)

Applicant.

[Or

Applicant's Solicitor.]

To the Clerk of the
Peace of the county
of and to [the
employer].

Rule 75 (7).

FORM 70.

Order of Reference.

In the County Court of Division of

[Heading as in Application, Form 69.]

On the application of of (a copy of which is hereto annexed),
I hereby appoint Mr. of , one of the medical
referees appointed by the Secretary of State for the purposes of the Workmen's
Compensation Act, 1927, to examine the said [name of workman]
and to give his certificate as to the nature of the incapacity of the said [name of
workman] resulting from the injury.

The nature of the injury in respect of which the award was made, so far as it
appears on the records of the Court, was as follows [state it]

A copy [or copies] of the report [or reports] of the medical practitioner [or
practitioners] by whom the said has been examined is [or are] hereto
annexed. [Add, if so, Copies of the statements submitted to me by the parties
are also hereto annexed.]

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

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

[or The said _____ does not appear to be in a fit condition to travel for the purpose of being examined.]

The referee is requested to forward his certificate to the Clerk of the Peace at the County Court office situate at _____ on or before the day of _____, specifying fully therein the nature of the incapacity (if any) of the said _____ resulting from the injury.

Dated this _____ day of _____

Judge [or Clerk of the Peace.]

FORM 71.

Rule 75 (10).

Application by French Citizen intending to return to reside in France to fix Intervals at which Certificates of Continuance of Incapacity are to be furnished by him. Rule 75 (10).

[Heading as in Form 69.]

TAKE NOTICE, that I intend to apply to the Clerk of the Peace at _____ on the _____ day of _____, at the hour of _____ in the _____ noon, for an order fixing the intervals at which certificates of the continuance of the incapacity specified in the certificate of the medical referee given in this matter are to be furnished by me on my returning to reside in France.

Dated this _____ day of _____

(Signed)

Applicant.

To the Clerk of the Peace of the county of _____ and to (the employer).

FORM 72.

Rule 75

Order as to Intervals at which Certificates of Continuance of Incapacity are to be furnished by French Citizen residing in France. Rule 75 (10).

[Heading as in Form 69.]

On the application of _____ I order that certificates of the continuance of the incapacity specified in the certificate of the medical referee given in this matter are to be furnished by the said _____, who intends to return to reside in France, at intervals of _____ months, the first of such certificates to be furnished on the _____ day of _____

Dated this _____ day of _____

19 _____

Clerk of the Peace.

To [the applicant and the employer.]

FORM 73.

Rule 75 (11) (d).

Notice to be given to Workman who is a French Citizen and intends to return to reside in France. Rule 75 (11).

[Heading as in Award.]

TAKE NOTICE that if you desire to have the weekly payments payable to you under the award hereto annexed remitted to you while you are residing in France, you must at intervals of three months from the date up to which such payments have been made, produce to the Mayor of the Commune in which you reside the certificate of identity hereto annexed, and obtain from him a certificate that you were alive on the day when the certificate of identity was produced. You must also at intervals of* _____ months from the date up to which such payments have been made obtain from a medical practitioner employed in an official capacity in the Department in which you reside a certificate that he has examined you, and that your incapacity resulting from the injury, as specified in the certificate of the medical referee hereto annexed, still continues.

*As fixed by the Clerk of the Peace.

You must then forward the certificate of the Mayor, and, where a certificate of a medical practitioner is required, such certificate (which certificate or certificates must be authenticated by a *visé* of the Prefecture of the Department attesting the official status of the Mayor and medical practitioner respectively); with a request for payment of the weekly payments due to you, to the French consular authority for the district in which the Court is situated, to be by him transmitted to me.

In the event of your death while in the receipt of weekly payments, your representatives must, in order to obtain payment of the arrears due to you, forward a certificate of your death and documents showing that they are entitled to such arrears, with a request for payment of such arrears, to the consular authority, to be by him transmitted to me.

Dated this day of

Clerk of the Peace.

To A.B.

[*Address and description.*]

Rule 76.

FORM 74.

*Notice of Application for Determination of Amount of Costs under
Schedule I., Paragraph 8, Rule 76.*

In the County Court of Division of

[*Heading as in Award or Memorandum.*]

TAKE NOTICE, that I intend to apply to the judge at
on the day of at the hour of
in the noon, to determine the amount of costs to be paid to me as
solicitor for you A.B. in the above-
mentioned matter;
and for an order declaring that I am entitled to a lien for such amount on or to
deduct such amount from the sum awarded as compensation to you the said
A.B. in the above-mentioned matter,
and for consequential directions.

Dated this day of

To the Clerk of the Peace of the county of
and to
A.B.
of

Rule 81.

FORM 75.

Execution on Award or Memorandum or Certificate.

In the County Court of Division of

[*Heading as in Award, Memorandum, or Certificate.*]

Whereas on the day of
an award was made in the above-mentioned matter by the judge whereby it
was ordered [*state operative parts of award*]:
[or Whereas on the day of
a memorandum was recorded in this Court of an agreement [*or a decision or
an award*] come to [*or given or made*] in the above-mentioned matter, whereby
it was agreed [*or ordered.*] [*state operative parts of agreement, decision, or award*]:

[or Whereas on the day of a memorandum was
recorded in this Court of a certificate given by the County Court of
holden at
to the effect that [*state operative parts of certificate*]:

And whereas default has been made in payment of the sum of £ into court
payable by the said [or to the said A.B.] according to the said
award [*or memorandum or certificate*]:

It is therefore ordered and decreed by the Court that the applicant do recover from the respondent the said sum, together with the sum of £ . . . for costs of this application, and the several under-sheriffs in Northern Ireland are hereby commanded to take in execution the goods of the respondent to satisfy the said sum and costs.

Dated at	this	day of	
Sum ordered to be paid	£		_____
Costs	£		Judge.
Witnesses' Expenses	£		_____
			Clerk of the Peace.

Total	£		The Applicant (or Solicitor for the Applicant).

Sheriff's warrant and Fees for the execution to be added.

This Form to be adapted to the circumstances of the case where execution is ordered to issue by the Court.

FORM 76.

Rule 82 (3).

Form of Notice for an Instalment or Committal Order under the Debtors (Ireland) Act, 1872, on Award, Memorandum, or Certificate.

In the County Court of _____ Division of _____
[Heading as in Award, Memorandum, or Certificate.]

Whereas on the _____ day of _____ an award was made in the above-mentioned matter by the judge whereby it was ordered [state operative parts of award]:

[or Whereas on the _____ day of _____ a memorandum was recorded in this Court of an agreement [or a decision or an award] come to [or given or made] in the above-mentioned matter, whereby it was agreed [or ordered] [state operative parts of agreement, decision, or award].]

[or Whereas on the _____ day of _____ a memorandum was recorded in this Court of a certificate given by the County Court of _____ holden at _____ to the effect that [state operative parts of certificate].]

And whereas default has been made in payment of the sum of £ payable by you the above-named into court [or to the said A.B.] according to the said award [or memorandum or certificate]:

The respondent therefore is hereby required personally to appear at the County Court to be held at in the said county on the day of to show cause why an order should not issue against the respondent for payment by him, either by instalments or otherwise as the Court shall direct of the said sum of £ now due from him in pursuance of the said award [memorandum or certificate]

[or where a Committal Order is sought :

And whereas by an order of the Judge bearing date the day of the said sum was ordered to be paid by [set out the operative part of the instalment order]:

And whereas default has been made by the respondent in [set out the default].

The respondent therefore is hereby required personally to appear at the County Court to be held at in the said County on the day of , to show cause why an order of committal should not issue against the person of the respondent for default made by him in payment of the sum of £ on the day of]

Dated this day of 19 .

Applicant,

or

Applicant's Solicitor.

To

of

The respondent.

The instalment or committal order will set out the proper recitals as in the Form of Notice, and will be according to the ordinary Form in the County Court under the Debtors (Ireland) Act, 1872.

FORM 77.

ORDER FOR REQUEST TO EXAMINE WITNESSES IN DENMARK.

[Heading as in Award.]

It is ordered that a letter of request do issue directed to the proper tribunal for the examination of the following witnesses, that is to say: E.F. of , G.H. of , and I.J. of .

And it is ordered that the depositions taken pursuant thereto, when received, be filed in this Court, and be given in evidence on the hearing of this arbitration, saving all just exceptions.

FORM 78.

LETTER OF REQUEST TO EXAMINE WITNESSES IN DENMARK.

To the Competent Judicial Authority of in the Kingdom of Denmark.

Whereas an arbitration under the Workmen's Compensation Act is now pending in the County Court of , holden at , in , in which is applicant, and is the respondent, and a copy of the request for arbitration with the particulars appended or annexed thereto accompanies this letter of request.

And whereas it has been represented to the said Court that it is necessary for the purpose of justice and for the due determination of the matters in dispute between the parties, that the following persons should be examined as witnesses upon oath touching such matters, that is to say :

and _____, of _____, of _____

And it appearing that such witnesses are resident within your jurisdiction.

Now I, _____, Judge of the said County Court in _____, have the honour to request, and do hereby request, that for the reasons aforesaid and for the assistance of the said Court, you will be pleased to summon the said witnesses _____ (and such other witnesses as the agents of the said applicant and respondent shall humbly request you in writing so to summon) to attend at such time and place as you shall appoint before you, or such other person as according to your procedure is competent to take the examination of witnesses, and that you will cause such witnesses to be examined [upon the interrogatories which accompany this letter of Request] *viva voce* touching the said matters in question in the presence of the agents of the applicant and respondent or such of them as shall, on due notice given, attend such examination.

And I further have the honour to request that you will permit the agents of both the said applicant and respondent or such of them as shall be present to be at liberty to examine [upon interrogatories and *viva voce* upon the subject matter thereof or arising out of the answers thereto] such witnesses as may, after due notice in writing, be produced on their behalf, and give liberty to the other party to cross-examine the said witnesses [upon cross interrogatories and *viva voce*] and the parties producing the witnesses for examination the liberty to re-examine him *viva voce*.

And I further have the honour to request that you will be pleased to cause [the answers of the said witnesses and all additional *viva voce* questions, whether on examination, cross-examination, or re-examination] the evidence of such witnesses to be reduced into writing and all books, letters, papers and documents produced upon such examination to be duly marked for identification, and that you will be further pleased to authenticate such examination by the seal of your Tribunal or in such other way as is in accordance with your procedure and to return the same together with [the interrogatories and cross-interrogatories, and] a note of the charges and expenses (if any) payable in respect of the execution of this Request, through the Workers' Insurance Council (Arbejderforsikringsraadet, 3-5 Kongens Nytorv, Copenhagen), for transmission through the Under-Secretary of State, Home Office, Whitehall, London, to the said County Court.

And I further beg to request that you will cause me, or the agents of the parties, if appointed, to be informed of the date and place where the examination is to take place.

Dated the _____ day of _____ 19 _____

FORM 79.

Rule 57A (4).

UNDERTAKING AS TO EXPENSES IN RESPECT OF LETTER OF REQUEST.

In the County Court of _____ holden at _____ 19 _____ No. _____

In the Matter of the Workmen's Compensation Act, 1927,

and

In the Matter of an Arbitration

Between Applicant.

and Respondent.

I (or We) hereby undertake to be responsible for all expenses incurred by His Majesty's Secretary of State for Home Affairs in respect of the Letter of Request issued herein on the _____ and on receiving due

notification of the amount of such expenses, undertake to pay the same as directed by the Judge of the said County Court.

The following have been appointed as agents for the parties in connection with the execution of the above Letter of Request:—

Applicant's Agent of

Respondent's Agent of

Dated the _____ day of _____, 19

Solicitors for

FORM 80.

Register.

The Workmen's Compensation Act, 1927.

Register.

No. of Matter.	Title.	Date of Proceedings.	Nature.
1	In the matter of an arbitration between A.B., of, &c., Applicant and C.D. & Co., Limited, of, &c., Respondents.	Oct. 8, 1915	Request for arbitration filed.
		Oct. 15, 1915	Respondent's answer filed.
		Oct. 19, 1915	Five subpoenas issued on application of applicant's solicitor.
		Nov. 12, 1915	Arbitration held; Mr. _____ appointed as medical referee to report; further hearing adjourned.
		Nov. 22, 1915	Report of medical referee received; notice given to the parties.
		Nov. 30, 1915	Further hearing. Award made as follows (enter minute of award).
		Dec. 7, 1915	Costs of applicant taxed at £
		Dec. 15, 1915	£ _____ for costs paid into Court
		Dec. 17, 1915	£ _____ by respondents. _____ for costs paid to applicant's solicitor.
		Oct., 7, 1915	Memorandum of agreement as to compensation, signed by A.B., left to be recorded.
	Oct. 8, 1915	Notice and copy memorandum sent by post to E.F. & Co., Limited.	
	Oct. 10, 1915	Notice received from E.F. & Co., Limited, disputing memorandum.	
	Oct. 10, 1915	Notice sent to A.B., that memorandum is disputed, and will not be recorded without consent in writing of E.F. & Co., Limited, or order of Judge.	
	Oct. 15, 1915	Application on behalf of A.B. that memorandum be recorded.	
	Oct. 22, 1915	Application heard, and order made, that memorandum be recorded with alterations.	
	Oct. 25, 1915	Memorandum recorded as follows [set out memorandum].	
	Oct. 30, 1915	Costs of A.B. taxed and allowed at £	
Nov. 18, 1915	Execution issued for costs. &c., &c., &c.		

NOTE—Similar entries to be made as to all matters required to be recorded
RULE 83.