

British Guiana.

REGULATIONS MADE UNDER THE PROVISIONS OF THE WORKMEN'S COMPENSATION ORDINANCE, 1934.

1. These Regulations may be cited as the Workmen's Compensation Regulations, 1937. Short Title.

2. In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them :— Interpretation.

- (a) " Court " means a magistrate's court ;
- (b) " Clerk of the court " means the clerk of a magistrate's court or any person performing the duties of the clerk ;
- (c) " Form " means a form in the Schedule to these Regulations ;
- (d) " Section " means a section of the Ordinance ;
- (e) " The Ordinance " means the Workmen's Compensation Ordinance, 1934, and any amendments thereof.

PART I.

PROCEDURE ON MAKING APPLICATION FOR COMPENSATION.

3.—(1) Any application of the nature referred to in section 28 shall be filed with the Clerk of the Court, and shall, unless the Court otherwise directs, be made in Forms 1 or 2 as the case may be. Applica-
tions.
Forms 1 or 2.

Joinder of
"principal"
and "con-
tractor."

(2) In any case in which both the principal as defined by the Ordinance and a contractor with him are alleged to be liable to pay compensation under the Ordinance, the provisions of the rules of the Court applicable to joinder of parties shall apply.

The legal
personal
representa-
tive or
dependants
may be appli-
cants.

(3) An application on behalf of the dependants of a deceased workman for the settlement of any question arising out of an accident resulting in the death of that workman may be made by the legal personal representative, if any, of the deceased workman on behalf of such dependants, or by the dependants themselves.

Dependants
with conflict-
ing interests
to be made
respondents.

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

(5) In the construction of the last preceding paragraph 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.

Applications
to determine
questions on
which distri-
bution of
compensa-
tion depends

(6) In any case in which the amount of compensation payable as the result of the death of a workman has been agreed upon or ascertained, but any question arises as to who are dependants, or as to the amount payable to any dependant, an application for the settlement of such question 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 the 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.

Employer
not to be
respondent if
he pays com-
pensation
agreed on or
ascertained
into Court.
Application
for burial
expenses.

(7) If the employer has paid the agreed or ascertained amount of compensation into Court, it shall not be necessary to make him a respondent, and if made a respondent, the Court may direct that all further proceedings against him be stayed.

(8) Where the sole question for the determination of the Court is the amount of the funeral expenses of a deceased workman who has left no dependants, the application may be made by the legal personal representative, if any, of the deceased workman, or by the person to whom any such expenses are due.

Infant may
be given
locus standi.

(9) The Court 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.

4. Where the respondent claims that if compensation is recovered against him he will be entitled to be indemnified by a person not a party to the case (hereinafter referred to as the third party), he shall, within seven days after being served with the copy of the application, file a notice of such claim with the Clerk of the Court, and the Clerk of the Court shall thereupon cause a copy of the notice of such claim together with a notice in Form 3 to be served on the third party, and the third party shall file a written statement dealing with the matters raised in the application for compensation or with the claim for indemnity or both within seven days from the service of the copy of the notice thereof or such further time as the Court may allow.

Procedure
where indem-
nity claimed

Form 3.

5. If the third party admits the claim, he shall at any time before the first hearing—

Procedure
where claim
admitted.

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

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

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

(b) where the application is made by or on behalf of the dependants of a deceased workman, or for the settlement of the sum payable in respect of the funeral of a deceased workman, who leaves no dependants—

file with the Clerk of the Court 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.

6. If the third party fails to file a written statement dealing with the claim against him within the prescribed time or within the time fixed by the Court on an application to enlarge the time, he shall be taken to admit the claim.

Failure of
respondent
or third
party to file
statement.

PART II.

THE MEMORANDUM OF AGREEMENT.

7.—(1) Memoranda of agreement sent to the Clerk of the Court under subsection (4) of section 17, shall be in as close conformity as the circumstances of the case permit with one of Forms 4 and 5 as the case may be.

Form of
memoran-
dum.
Forms 4
and 5.

(2) Every such memorandum shall contain the like particulars as would have been required if the memorandum had been an application for compensation under these Regulations.

8. On receipt of a memorandum and the necessary copies thereof the Clerk of the Court shall send one copy to every party interested together with a notice in Form 6 requesting such party to inform him

Notice to
parties inter-
ested of
memoran-

dum having been received.

Form 6.

within seven days from the date of the notice whether the memorandum is genuine, or whether he disputes its genuineness, or whether the recording of the memorandum is objected to and, if so, on what grounds.

9. If—

Where genuineness of memorandum disputed or objection made by employer.

- (a) any party interested disputes the genuineness of the memorandum (for example, by alleging that no such agreement has in fact been entered into, or that the terms of the agreement are not correctly stated in the memorandum, or that the agreement is no longer subsisting or enforceable, or that it is not enforceable by reason of its having been entered into under a mutual mistake or obtained by fraud or undue influence or other improper means) ; or
- (b) where a workman seeks to record a memorandum of agreement between his employer and himself, the employer proves by an affidavit that the workman has, in fact, returned to work, and is earning wages as he did before the accident, and objects to the recording of the memorandum,

the party so disputing or objecting shall within the time prescribed in regulation 8 file with the Clerk of the Court, in case of a dispute under paragraph (a), a notice in Form 7 stating the grounds on which the genuineness of the memorandum is disputed or, in case of an objection under paragraph (b), the affidavit stating the grounds on which the recording thereof is objected to.

Form 7.

Notice of dispute or objection.
Form 8.

10. On receipt of any such notice or affidavit as in the last preceding regulation mentioned, the Clerk of the Court shall send a copy thereof to every other interested party together with a notice in Form 8 informing every such party that the memorandum will not be recorded except by order of the Court.

Subsequent proceedings.

11.—(1) On receipt of any such notice as in the last preceding regulation mentioned, any interested party may apply to the Court to order the memorandum to be recorded.

(2) Where any such application is made the Clerk of the Court shall refer to the Court the memorandum and all other documents filed in connection therewith, and the Court shall fix a day of which notice shall be given to the parties for the determination of the matter.

(3) At any time during the hearing of an application to record a memorandum, the Court may, with consent of all parties interested, amend the memorandum.

(4) Upon the hearing of any such application the Court shall determine the matter in controversy between the parties, and may confirm or rectify the memorandum of agreement and direct the clerk to record it or may make such other order as may seem just.

12.—(1) An application for cancellation of an agreement pursuant to the provisions of subsection (2) of section 17 shall be in accordance with Form 9.

Application for cancellation of agreement. Form 9.

(2) The applicant shall in an affidavit accompanying the application state the facts necessary to establish that he is an interested person, verify the grounds on which cancellation of the agreement is sought, and, if any money has already been paid under the agreement, he shall also state the particulars of the amount and date of every payment.

PART III.

A.—APPLICATION FOR REVIEW OR FOR REDEMPTION OF HALF-MONTHLY PAYMENT.

B.—APPLICATION FOR ORDER WHERE WORKMAN UNDER LEGAL DISABILITY OR FOR VARIATION OF ORDER.

13. Any application of the nature referred to in section 7 shall be in Form 10 and may be made without a medical certificate:—

When application may be made without medical certificate. Form 10.

- (a) by the employer, on the ground that since the right to compensation was determined the workman's wages have increased;
- (b) by the workman, on the ground that since the right to compensation was determined his wages have diminished;
- (c) by the workman, on the ground that the employer, having commenced to pay compensation, has ceased to pay the same, notwithstanding the fact that there has been no change in the workman's condition such as to warrant such cessation;
- (d) by the employer, on the ground that the workman has ceased, since the right to compensation was determined, to be a minor;
- (e) either by the employer or the workman, on the ground that the determination of the rate of compensation for the time being in force was obtained by fraud or undue influence or other improper means.

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

Procedure on application for review.

15.—(1) Any application of the nature referred to in section 8 shall be in Form 10.

Procedure on application for redemption. Form 10.

(2) Where application is made to the Court under section 8 for the redemption of a right to receive half-monthly payments by the pay-

ment of a lump sum upon the amount of which the parties are unable to agree, the Court shall form an estimate of the probable further duration of the incapacity, and shall award a sum equivalent to the total of the half-monthly payments which would be payable for the period during which it estimates that the incapacity will continue, less one-half per centum of that total for each month comprised in that period :

Provided that fractions of a cent included in the sum so computed shall be disregarded.

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

Application
for order
where work-
man under
legal dis-
ability.
Form 11.

16. An application under subsection (6) of section 10 for an order that a half-monthly payment payable to a workman under any legal disability shall during the disability be paid to any dependant or other person may be made either by the person liable to make such payment or by or on behalf of the workman entitled to such payment. The application shall be made in Form 11 and shall be served on every interested party.

Application
for variation
of order.
Form 12.

17. An application for the variation of an order of the Court under subsection (7) of section 10 may be made by or on behalf of any person interested. The application shall be made in Form 12 stating the circumstances under which the application is made and the relief or order which the applicant claims, and shall be served on every other interested party.

PART IV.

PAYMENT OF COMPENSATION INTO COURT.

Payment
into Court
generally.

18. Compensation shall be paid into Court :

- (a) under an order of the Court directing a specific sum to be paid in as compensation ; or
- (b) under an agreement between an employer or other person liable to pay compensation and a workman or the dependants of a workman according to the tenor thereof ; or
- (c) pursuant to a claim for compensation made out of Court, or to an application for compensation, against an employer or other person liable to pay the same who admits liability, or denies liability but is willing to pay an amount in settlement of the claim.

Payment
into Court
under sec-
tion 10 (1).
Form 13.

19.—(1) An employer paying compensation into Court under subsection (1) of section 10 shall furnish therewith a statement in Form 13.

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

(3) Any dependant, whether notice under subsection (5) of section 10 has been published or not, may apply to the Court for the payment out or distribution of any sum so deposited.

(4) The statement of disbursements to be furnished on application by the employer under subsection (5) of section 10 shall be in Form 14.

20. The Clerk of the Court shall cause to be displayed in a prominent position outside his office an accurate list of deposits paid into Court under subsection (1) of section 10 together with the names and addresses of the depositors and of the workmen in respect of whose death the deposits have been made.

Publication
of list of
payments
into Court.

21.—(1) Where a dependant of a deceased workman claims that compensation is payable in respect of the death of the workman, and no compensation has been deposited in accordance with subsection (1) of section 10 in respect thereof, the dependant may apply to the Court for the issue of an order requiring the employer to deposit compensation in accordance with the aforesaid subsection :

Procedure
where no
compensa-
tion depos-
ited.

Provided that no such application shall be entertained unless the applicant proves by affidavit that such compensation has become payable and that he has requested the employer to deposit the compensation and that the employer has refused or omitted to do so.

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

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

(3) If, after completing the inquiry into the application, the Court issues an order requiring the employer to deposit compensation in accordance with subsection (1) of section 10, nothing in

paragraph (2) of this regulation shall be deemed to prohibit the allotment of any part of the sum deposited as compensation to a dependant of the deceased workman who failed to join in the application.

Payment into Court under section 10 (2) and (3). Form 15.

22. An employer paying compensation into Court in accordance with subsection (2) or subsection (3) of section 10 shall furnish therewith a statement in Form 15.

Money paid into Court may be deposited in Savings Bank.

23. Any money paid into Court may be deposited in the Post Office Savings Bank into a special account which shall be intituled "Clerk of Court, Magistrate's Court Judicial District (Workmen's Compensation)" and such account shall be operated by the magistrate for the time being exercising jurisdiction in that Judicial District.

Right of employer to present memorandum when notice given.

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

(2) A memorandum presented under this regulation shall be recorded by the Clerk of the Court.

PART V.

MEDICAL EXAMINATION OF WORKMAN.

Workman to submit to medical examination in accordance with rules.

25. A workman who is required by subsection (1) of section 14 to submit himself for medical examination shall do so in accordance with the regulations contained in this part.

Examination on premises.

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

Examination in other cases.

27. In cases to which regulation 26 does not apply, the employer may, subject to the provisions of subsection (3) of section 14 :—

- (a) send the medical practitioner to the place where the workman is residing for the time being, in which case the workman shall submit himself for medical examination on being requested to do so by the medical practitioner ; or,
- (b) send to the workman an offer in writing to have him examined free of charge by a medical practitioner, in

which case the workman shall submit himself for medical examination at the employer's premises or at such other place in the vicinity as is specified in such offer and at such time as is so specified :

Provided that—

- (i) the time so specified shall not, save with the express consent of the workman, be between the hours of 7 p.m. and 6 a.m. ;
- (ii) in any case where the workman's condition renders it impossible or inadvisable that he should leave the place where he is residing for the time being, he shall not be required to submit himself for medical examination save at that place.

28. The last two preceding regulations shall apply to any workman receiving half-monthly payments who is required by his employer under the provisions of section 15 to submit himself to medical examination.

Extended application of two preceding regulations.

29. If a workman whose right to compensation has been suspended under subsection (4) of section 14 subsequently offers himself for medical examination, his examination shall take place on the employer's premises or at such other place in the vicinity as may be fixed by the employer.

Examination after suspension of right to compensation.

30. The medical treatment to which a workman may be required to submit himself in accordance with the provisions of section 14 shall include any treatment at or in a hospital or other institution in which the workman may be conveniently and efficiently treated for the personal injury which arose out of and in the course of his employment.

Medical treatment of workman.

PART VI.

ORDER AND EXECUTION.

31. The Court may direct that any lump sum payable as compensation be paid into Court by instalments at such times as may be fixed by the Court.

Payment of compensation by instalments.

32.—(1) Where under regulation 21, the Court has made an order requiring the employer or other person liable to pay compensation in accordance with subsection (1) of section 10, and the employer or such other person fails or neglects to do so, execution may be issued for the recovery of the amount of the compensation in the same manner as execution is issued under the Summary Jurisdiction (Petty Debt) Ordinance and with the like effect without any further leave of the Court.

Execution to enforce payment of compensation.

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(2) Where a party liable to pay compensation into Court under subsection (2) of section 10 has made default in payment of the

amount, the party entitled to such compensation may apply to the Court for leave to issue execution against the goods of the party in default.

(3) An application for leave to issue execution shall be made in accordance with any rules applicable to an application for leave to issue execution in civil proceedings in the Court.

(4) Nothing herein contained shall operate to prevent the Court from directing in its order that execution shall issue for the recovery of the amount of any compensation thereby ordered to be paid, and, if the Court so directs, execution shall issue without any application under regulation 21 for the deposit of compensation, or under this regulation for leave to issue execution.

Execution in case of default to make half-monthly payment.

(5) Execution may be issued without leave of the Court against any party liable to make a half-monthly payment to a workman under any order or recorded memorandum of agreement, but if the party so liable file with the clerk an application for the review of the half-monthly payment alleging that the incapacity has wholly or partially ceased, execution shall not issue until that application is disposed of by the Court: Provided that the Court may direct that execution shall be stayed pending the disposal of the application for review only upon terms that the party liable make payment into Court or otherwise of every half-monthly payment which may become due and payable pending the determination of the application.

Enforcement by judgment summons.

33. Where proceedings by way of judgment summons are taken against a party liable to pay compensation or costs under any order of the Court or any recorded memorandum of agreement, who has made default in payment of the amount of compensation, or where payment is to be made by instalments, of any instalment, the rules for the time being in force as to judgment summonses in the Court shall, with any necessary modifications, apply to such proceedings.

Proceedings against a firm.

34. Where parties liable to pay compensation or costs are a firm, the rules of the Court in civil proceedings applicable to execution or to a judgment summons against a firm shall apply.

PART VII.

MISCELLANEOUS.

Forms. Schedule

35. The forms in the schedule to these Regulations and herein referred to shall be used in all cases to which they are applicable with such amendments as may be necessary.

Proceedings and service of documents where Crown a party.

36.—(1) In any proceedings under the Ordinance or these Regulations 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 depart-

ment 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 under his or their official title as representing the Crown be made the necessary party.

(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 head of the department personally or by being left at his office with some person employed therein or, in the case of a Board or Commissioners, on the Secretary of such Board or Commissioners.

37. Where any document is to be filed, there shall be filed with the original document as many copies of the document as there are persons on whom copies of the document are to be served, and in addition any necessary copies for the return of service and for the use of the Court.

Copies of documents filed.

38.—(1) Subject to any particular regulation, any proceeding, document or notice to be served under the Ordinance or these Regulations may be served :

Service of document.

(a) in the manner provided by the Summary Jurisdiction (Petty Debt) Ordinance or any rules made under the Summary Jurisdiction (Magistrates) Ordinance ; or

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(b) in accordance with any Ordinance, rule or regulation specifically providing the mode of service in any particular case.

(2) Where proceedings are taken by a workman against the managing committee of a club as an employer, 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.

39.—(1) All persons whose presence at the hearing of any application may be necessary to enable the Court effectively and completely to adjudicate upon and settle all the questions involved shall, unless the Court otherwise directs, be made parties to the application and every such person shall be served with a copy of the application five clear days at least before the hearing of the application.

Applications

(2) The Court may, whether or not an affidavit is required to be filed in support of an application, hear evidence *viva voce* in order to determine any question involved in any application made under these Regulations.

40. In any proceeding for the determination of any question arising out of an accident to any master, seaman, or apprentice under section 25—

Masters, seamen and apprentices.

(1) the claim for compensation shall state,—

(a) in the case of the death of a master, seaman, or apprentice, the date at which news of the death was received by the claimant ;

(b) in the case of a master, seaman, or apprentice, lost with his ship, the date at which his ship was lost or is deemed to have been lost.

Forms 1 & 2 (2) The application to determine compensation shall be in accordance with Forms 1 and 2 with the necessary modifications, and there shall be added to the particulars therein the name of the ship or vessel on which the deceased workman was employed at the time of the accident, and its port of registry, and if not registered in the Colony, the name of the owner, or the managing owner or manager, and his residence or principal place of business if the same is in the Colony.

Description of ship owners. (3) It shall be sufficient to describe the owners of the ship as “the owners of the ship”; and the provisions of the rules of the Court as to the names of partners shall with the necessary modifications apply to the disclosure of names of such owners.

57 & 58 Vict. c. 60. (4) Subject to subsection 1 (a) of section 25 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, subsection (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 subsection of the Act.

Signature on documents. 41. Any application to the Court or other document which is to be signed by the applicant may be signed by his counsel or solicitor.

Orders. Forms 16, 17 and 18. 42. An Order of the Court shall be in such one of Forms 16, 17 and 18 as shall be appropriate to the circumstances of the case, with any necessary variation.

Appointment of medical referee to report. 43.—(1) The Court may before or after the institution of any legal proceedings and on or without the application of any interested party refer to a medical referee for a report thereon any matter which seems material to any question arising out of an accident in which compensation is or might be claimed.

(2) When any matter is so referred the Court may 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.

(3) If a workman, on being so ordered, refuses to submit himself for examination by a medical referee to whom the matter has

been so referred or in any way obstructs the same, his right to compensation and to take or prosecute any proceedings under the Ordinance or these Regulations shall be suspended until such examination has taken place or such obstruction has ceased.

(4) The Court may accept as *prima facie* evidence of the facts therein stated, the written report of a medical referee upon the physical condition of the workman, or upon any other question arising out of an accident which has been referred to him for a report. Any party to the proceeding may require the attendance of the medical referee for oral examination but that party shall be liable in the first instance to provide and pay the cost of the attendance in Court of the medical referee, pending decision by the Court as to which party shall be liable eventually to pay such costs.

44. Where any proceeding is taken or is about to be taken for the determination of any question arising out of an accident in which compensation is or might be claimed, the employer shall, if required by the workman, furnish the workman, within seven days from the date of requisition, with a statement showing:—

Statement
of wages to
be furnished
by employer.

(a) the total wages which have fallen due for payment to the workman by the employer in the last twelve months, where the workman has been employed during a continuous period of not less than twelve months immediately preceding the accident; or

(b) the total wages earned in respect of the last continuous period of service, where that service is of less than twelve months duration immediately preceding the accident.

45.—(1) The respondent shall on the same day on which he lodges with the clerk the written answer referred to in subsection (2) of section 29, serve on every applicant a true copy of such answer provided that where two or more applicants are represented by the same counsel or solicitor it shall not be necessary to serve more than one copy of the answer on the defendants so represented.

Service of
copy of
answer on
applicant.

(2) Service of the answer shall be effected by delivering the same to the applicant or applicants or to his or their counsel or solicitor personally, or by leaving it at the address of the applicant or applicants or of his or their counsel or solicitor as stated in the application with some person there residing or employed.

46. Any costs of or incident to any proceedings for the determination of any question arising out of an accident to a workman shall be awarded in accordance with any scale prescribed under the Summary Jurisdiction (Magistrates) Ordinance.

Costs.

Cap. 9.

47. Where no provision is made by these Regulations as to the practice and procedure so be observed with respect to any matter or

Application
of the rules
of Court.

proceeding in the Court for the determination of any question arising out of an accident, the rules applicable to actions in the civil jurisdiction of the Court shall *mutatis mutandis* apply.

Made by the Governor in Council under section 39 of the Workmen's Compensation Ordinance, 1934, on the 27th day of July, 1937.

GEO. C. GREEN,
Clerk to the Executive Council.

FORM 2.

*Workmen's Compensation Ordinance, 1934.*APPLICATION BY OR ON BEHALF OF DEPENDANTS OF DECEASED
WORKMAN OR BY EMPLOYER TO DETERMINE COMPENSATION.

Regulation 3.

British Guiana.

In the

Judicial District Magistrate's Court

holden at

A.B., residing at

Applicant.

versus

C.D., residing at

Respondent.

The applicant is the legal personal representative (or the dependant) of a workman
employed by (a contractor with) the respondent

or

The applicant was the employer of a workman

who sustained personal injury by accident arising out of and in the course of his employ-
ment on the day of 19 , at in the

Judicial District, resulting in his death, and applies herein for
the determination of the questions hereinafter stated, under the provisions of the
Workmen's Compensation Ordinance, 1934.

PARTICULARS.

1. Name and late address of deceased workman.
2. Place of business, and nature of business of employer from whom compensation is claimed, Nature of employment of deceased at time of accident, and whether employed under the alleged employer 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, (or date when ship was lost or deemed to have been lost).
6. Monthly wages 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.
7. Amount of the half-monthly payments (if any) made to deceased under the Ordinance, and of any lump sum paid in redemption thereof.
8. Character in which applicant applies for compensation, *i.e.*, whether as legal personal representative of deceased or as a dependant, and if as a dependant particulars showing how he is so.
9. 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.

FORM 2.—(CONTINUED).

- 10. 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).
- 11. Particulars of amount claimed as compensation, and of the manner in which the applicant claims to have such amount apportioned and applied.
- 12. Date of service of statutory notice of accident on employer and whether given before deceased voluntarily left the employment in which he was injured. (*A copy of the notice to be annexed*).
- 13. If notice not served, reason for omission to serve same.
- 14. Date of claim for compensation.
- 15. Name of ship of which applicant was master, seaman or apprentice at date of accident, and port of registry. (*Vide regulation 40*).

If application is made by an employer insert statement required by section 28 (2) of the Ord.

Questions for the determination of the Court:—

- (a) whether the deceased was a workman within the meaning of the Ordinance,
- (b) whether the accident arose out of and in the course of the deceased's employment.
- (c) whether the amount of compensation claimed is due, or any part of the amount,
- (d) whether the respondent (or the applicant *as the case may be*) is liable to pay such compensation as is due.
- (e) whether the applicant (s) ^{is a} dependant (s) of the deceased.
_{are}
- (f) how the compensation, when deposited, should be distributed,
- (g) etc. (*as required*).

Dated the _____ day of _____ 19____

Applicant.

To

of
I do hereby require you to lodge with me the undersigned Clerk of the Court within seven days after service hereof a written answer containing a concise statement of the extent and grounds of opposition (if any) to this application.

And further take notice that the hearing of this application is fixed for the _____ day of _____ 19____, at the abovenamed Court and that if you fail to lodge such answer or to appear at that time and place, an order may be made against you in default.

Dated this _____ day of _____ 19____

Clerk of the Court,
.....Judicial District.

FORM 3.

Regulation 4.

Workmen's Compensation Ordinance, 1934.

NOTICE.

WHEREAS an application for compensation has been made by
 applicant, against _____, and the said

_____ has claimed that you are liable under section _____ of
 the Workmen's Compensation Ordinance, 1934, to indemnify him against any compensation
 which he may be liable to pay in respect of the aforesaid application, you are hereby
 informed, that you may appear at _____ o'clock on the _____ day of
 19 _____, at the _____ Magistrate's Court and contest the claim for compensa-
 tion made by the said applicant or the claim for indemnity made by the respondent or
 both. In default of your appearance you will be deemed to admit the validity of any
 order made against the respondent and be liable to indemnify the respondent for any
 compensation recovered from him.

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

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

Dated this _____ day of _____ 19 _____

To

of

Clerk of the Court,

.....Judicial District.

FORM 5.

(Where death resulted from the injury to workman).

Regulation 7.

MEMORANDUM OF AGREEMENT.

To the Clerk of the Court of the District Magistrate's Court. Judicial

In the matter of the Workmen's Compensation Ordinance, 1934,

and

In the matter of an agreement between Applicant
of Respondent.
and
of

1. Be it remembered, that on the _____ day of _____ 19____, personal injury was caused at _____ 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.

2. (Insert here the like particulars as in Form 2).

3. And that on the _____ day of _____, 19____, the following agreement was come to by and between _____ within the meaning of the dependants of the said _____ the abovementioned Ordinance, and the said _____ that is to say :

(here set out terms of agreement).

4. (If a medical referee had 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.

5. You are hereby requested to record this memorandum pursuant to section 17 (4) of the abovenamed Ordinance.

Dated

Signature of employer

Witness

Signature of workman

Witness

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

Regulation 8.

FORM 6.

NOTICE OF MEMORANDUM HAVING BEEN RECEIVED.

British Guiana.

In the Judicial District Magistrate's Court.

(Heading as in Memorandum).

Take notice that a memorandum, a copy of which is hereto annexed, has been sent to me for registration.

Such memorandum appears to affect you.

I have therefore to request you to inform me within seven days from this date whether you admit or dispute the genuineness of the memorandum, or whether you object to the recording thereof, and if so, on what grounds.

If you do not inform me in due course that you dispute the genuineness of the memorandum or object to its being recorded, it may be recorded without further inquiry, and will be enforceable accordingly.

If you dispute its genuineness, or object to the recording thereof, it will not be recorded except by order of the Court.

Dated this day of

Clerk of the Court.

To *(insert names of all parties interested)*.

(Signature Line)

FORM 7.

Regulation 9.

NOTICE DISPUTING GENUINENESS OF MEMORANDUM.

British Guiana.

In the Judicial District Magistrate's Court,

(Heading as in 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 abovementioned 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 *(setting out what is claimed to be the correct terms)*; 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

Signed)

To the Clerk of the Court

FORM 8.

NOTICE THAT GENUINENESS OF MEMORANDUM IS DISPUTED, OR OF
OBJECTION BY EMPLOYER TO MEMORANDUM BEING RECORDED.

Regulation 10.

(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, a 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 an affidavit, a 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 affidavit).

The memorandum will therefore not be recorded, except by order of the Court.

Dated this _____ day of _____

To (all parties
interested).

Clerk of the Court.

FORM 9.

Workmen's Compensation Ordinance, 1934.

APPLICATION FOR CANCELLATION OF AGREEMENT.

Regulation 12.

British Guiana.

In the _____ Judicial District Magistrate's Court.
holden at _____

A.B. _____, residing at _____

versus _____

Applicant.

C.D. _____, residing at _____

Respondent.

Application is hereby made to the Court by _____
for an order cancelling an agreement dated the _____ day of _____
19 _____ between _____
an employer and _____ a workman
determining:

(Here set out the matter determined by the agreement in terms of sec. 17 (1), (2)).
on the ground

(Here set out the grounds for cancellation in terms of sec. 17 (2)).

Dated the _____ day of _____ 19 _____
Applicant.

FORM 10.

*Workmen's Compensation Ordinance, 1934.*Regulations 13
and 15.APPLICATION FOR REVIEW OR REDEMPTION OF HALF-MONTHLY
PAYMENT.

British Guiana.

In the Judicial District Magistrate's Court
 holden at Civil Jurisdiction:

A.B. , residing at
 Applicant.
 versus
C.D. , residing at
 Respondent.

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

Particulars are hereto appended :

PARTICULARS.

1. Name and address of injured workman.
2. Name and place of business of employer by whom compensation is payable.
3. Date and nature of accident.
4. Amount of half-monthly payment, and the date from which it commenced.
5. Relief sought by applicant, whether termination, diminution, increase or redemption.
6. Grounds of application.

Dated this day of 19
Signed Applicant.

FORM 11.

Workmen's Compensation Ordinance, 1934.

APPLICATION FOR ORDER FOR PAYMENT TO DEPENDANT OR OTHER PERSON OF HALF-MONTHLY PAYMENT PAYABLE TO PERSON UNDER DISABILITY. Regulation 16

British Gulana,

In the
holden at

Judicial District Magistrate's Court.

A.B.

, residing at

versus

Applicant.

C.D.

, residing at

Respondent.

Take notice that I (*name and address of applicant*) intend to apply to the Court on the _____ day of _____, for an order that the half-monthly payment payable in the above-mentioned matter to _____ a person under legal disability (*or to me*) be during his (*or my*) disability be paid to (*name*) a dependant or to any other person best fitted to provide for the welfare of the said (*name of workman under disability*) and for consequential directions.

Dated this

day of

19

Signed

Applicant.

To the Clerk of the Court
and (*names of all parties interested*).

FORM 12.

Workmen's Compensation Ordinance, 1934.

APPLICATION FOR VARIATION OF ORDER. Regulation 17.

*(Heading as in application).*Take notice that I (*name and address of applicant*)

intend to apply to the Court on the

day of

, for an order that the order of the Court made in the

above mentioned matter on the

day of

as to the

distribution of the sum paid as compensation among the dependants of

deceased (*or as to the manner in which the sum payable to*

a dependant of

deceased,

should be applied or otherwise dealt with)

may be varied by

directing (*here state variation sought by applicant*)

and for

consequential directions.

And further take notice that the circumstances in which this application is made are

(state particulars).

Dated this

day of

(Signed)

Applicant.

To the Clerk of the Court
and to (*names of all persons interested*)

FORM 13.

Workmen's Compensation Ordinance, 1934.

Regulation 19.

DEPOSIT OF COMPENSATION FOR FATAL ACCIDENT.

Compensation amounting to \$ _____ is hereby presented for deposit in respect of injuries resulting in the death of _____ residing at _____ which occurred on _____ at _____

His monthly wages are estimated at _____ He was over _____ under _____ 21 years at the time of his death.

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

This deposit is made pursuant to _____

(here state the reason for making the deposit—vide regulation 18).

Dated

19

Employer.

(To be added if desired) { I desire to be made a party to the proceedings for the distribution of the aforesaid compensation.

Employer.

(State names and addresses of dependants so far as are known).

FORM 14.

Workmen's Compensation Ordinance, 1934.

STATEMENT OF DISBURSEMENT.

Regulation 19
(4).

Depositor

Amount deposited \$

Date.

\$ c.

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

Dated

19 .

Clerk of the Court.

FORM 15.

Workmen's Compensation Ordinance, 1934.

DEPOSIT OF COMPENSATION FOR NON-FATAL ACCIDENTS.

Regulation 22

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

This deposit is made pursuant to

(here state the reason for making the deposit—vide regulation 18)

Dated

19

Employer.

FORM 16.

Regulation 42.

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

IN CASE OF APPLICATION FOR HALF-MONTHLY PAYMENT OF COMPENSATION.
ORDER.

Workmen's Compensation Ordinance, 1934.

Upon the application of _____ and upon hearing
(Here insert any other introductory recital of findings on which the order is made
which the Court may think fit).

It is ordered as follows:—

1. That the respondent C.D. do pay to the applicant A.B. the half-monthly sum of \$ _____ as compensation for personal injuries caused to the said A.B. on the day of _____ by injury arising out of and in course of his employment as a workman employed by the said respondent, such half-monthly payment to commence as from the _____ day of _____, and to continue during the total or partial incapacity of the said A.B. for work, or until the same shall be ended, diminished, increased or redeemed in accordance with the provisions of the Workmen's Compensation Ordinance, 1934.

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

3. And that the said C.D. do pay to the applicant his costs of and incidental to this application fixed at the sum of \$ _____ (or to be taxed in accordance with the proper scale).

Dated this _____ day of _____, 19 _____

Stipendiary Magistrate.

FORM 17.

IN CASE OF APPLICATION BY DEPENDANTS.

ORDER.

Workmen's Compensation Ordinance, 1934.

Upon the application of _____ and upon hearing
(Here insert any other introductory recital of findings on which the order is made
which the Court may think fit).

It is ordered as follows:—

1. That the respondent C.D. do pay the sum of \$ _____ to the dependants^s 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 the injury caused to the said A.B. on the _____ day of _____ by accident arising out of and in the course of his employment as a workman employed by the said respondent.

2. And it is declared 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. widow of the said A.B. and (*name the other persons*).

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

FORM 17.—(CONTINUED).

And it is further ordered :—

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

The sum of \$ _____ to and for the benefit of the said J.B. and the sum of \$ _____ to and for the benefit of the said _____

5. That the said C.D. do pay the said sum of \$ _____ within 14 days from the date of this order.

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

7. That the said C.D. do pay to the applicants their costs of and incidental to this application fixed at the sum of \$ _____ (or to be taxed in accordance with the proper scale).

Dated this _____ day of _____ 19 _____

Stipendiary Magistrate.

FORM 18.

IN CASE OF APPLICATION BY PERSONS TO WHOM EXPENSES OF FUNERAL ARE DUE.

ORDER.

Workmen's Compensation Ordinance, 1934.

Upon the application of _____ and upon hearing _____
(Here insert any other introductory recital of findings on which the order is made which the Court may think fit).

It is ordered as follows :—

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

2. And it is declared 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 in respect of charges amount to \$ _____ for the funeral of the said A.B.

Dated this _____ day of _____ 19 _____

Stipendiary Magistrate.

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