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RULES

UNDER

The Workers' Compensation Acts

No. 270.—13472.

RULES UNDER THE WORKERS' COMPENSATION ACTS.

PRELIMINARY.

1. These Rules may be cited as "The Workers' Compensation Rules," and shall come into operation on the date of the day of the proclamation of the *Workers' Compensation Act* 1937. Short title.

2. In these Rules words importing the masculine gender shall be deemed and taken to include females and the singular to include the plural and the plural the singular unless the contrary as to gender or number is expressly provided. Interpretation.

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

The words—

"the Board" shall mean the Workers' Compensation Board as constituted from time to time.

"clear days" shall mean that in all cases in which any particular number of days is prescribed for doing any act or for any other purpose the same shall be reckoned exclusive both of the first and of the last day.

"Registrar" shall mean a Registrar, Deputy Registrar or Assistant Registrar of the Board in the place in which proceedings may be commenced or to which they have been transferred.

"The Act" shall mean the Workers' Compensation Acts and any amending Act.

PARTIES TO PROCEEDINGS.

3. (1) When application is made for the settlement of any matter which is to be settled by Proceedings before the Board the party making such application shall be called the "Applicant" and subject to these Rules all other persons whose presence at the Proceedings may be necessary to enable the Board 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." Parties to Proceedings.

(2) In any case in which both the principal contractor and a contractor with him are alleged to be liable to pay compensation under the Act all persons may be joined as Respondents against whom the right to any relief is alleged to exist whether jointly severally or in the alternative.

Joinder of several Applicants.

4. More persons than one may be joined as Applicants in one Proceeding in any case in which any right to any relief arising out of the same injury to the same worker is alleged to exist whether jointly severally or in the alternative provided that the Board upon the application of any Respondent if it appear that such Joinder may embarrass or delay the proceedings may order separate hearings.

Application by Dependants for settlement of compensation.

5. (1) An application on behalf of the Dependants of a deceased worker for the settlement by Proceedings of the amount payable as compensation to such Dependants may be made by the legal personal representative (if any) of the deceased worker 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 be any conflict of interest between the Dependants themselves or if any Dependants neglect or refuse to join in an application the application may be made by or on behalf of some only of such Dependants the other Dependants in either case being named as Respondents.

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

Application by dependants where amount of compensation determined or ascertained.

6. (1) In any case in which the amount payable as compensation to the Dependants of a deceased worker has been determined or ascertained if 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 proceedings may be made either by the legal personal representative (if any) of the deceased worker 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 worker and the other 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 into the custody of the Board the determined 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 under Rule 37 pay the amount of compensation in his hands into the custody of the Board in the place in which the proceedings have been commenced to be dealt with as the Board shall direct, and thereupon further proceedings against him may be stayed.

Parties to proceedings as to sum payable for medical attendance and burial, &c.

7. (1) An application for the settlement by proceedings of the sum payable in respect of transport or ambulance or nursing services or of hospital expenses or of medical attendance (and the burial of a deceased worker who leaves no Dependants) shall be made by the legal personal representative (if any) of the deceased worker or 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 an Applicant or Respondent.

Apportionment of such sum.

(2) In any case in which application is made for the settlement by proceedings 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 Board shall direct.

8. The provisions of the County Court Rules for the time being as to parties suing or defending on behalf of other persons having the same interest, and the provisions of those Rules as to persons under disability and partners suing and being sued shall, with the necessary modifications, apply to proceedings under the Act.

Provided that the Board 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 a determination.

9. (1) Where any question has arisen and has not been settled by agreement an application for the settlement of the matter by proceedings shall be made by the Applicant filing with the Registrar an application for a determination intituled in the matter of the Act and in the matter of the proceedings which application shall state concisely the subject matter of the claim.

Particulars.

(2) Particulars shall be appended or annexed to the application 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 upon the employer of the notice of accident if such notice was in writing, or, if not in writing, the date upon which and the person to whom such notice was given and the substance thereof: or if notice has not been given the reason for such omission and the date on or about which the fact of such accident became known to the employer so far as the applicant knows or believes and the facts and circumstances of its so becoming known.

(*c*) The full names and addresses of the Respondents; and of the Applicant and of his solicitor or agent if the proceedings are commenced by a solicitor or agent.

Forms of request and particulars. Form 1. et. seq.

10. (1) The application and particulars shall be according to such one of the forms in the Appendix hereto 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 if it be in writing 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.

Application by employer.

11. (1) Where an employer against whom a claim for compensation has been made desires to make an application for the settlement of any matter by proceedings he shall file with the Registrar an application for a determination to which the worker or the legal personal representative (if any) and the persons claiming or who to the employer's knowledge or belief may be entitled to claim to be Dependants of a deceased worker, or the other person (as the case may be) on whose behalf the claim was made, shall be Respondents.

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

(*a*) A concise statement of the circumstances under which the application is made;

(*b*) A statement whether the Applicant admits 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 proceedings; and

(*d*) the full names and addresses of the Respondents and of the Applicant and of his solicitor or agent if the proceedings are commenced by a solicitor or agent.

Copies for respondents.

12. The Applicant shall deliver to the Registrar with the application and particulars a copy thereof for sealing for each Respondent to be served.

Where applicant illiterate.

13. Where the applicant is illiterate and unable to furnish the required information in writing the request and particulars and copies may be filled up by the Registrar or his clerk.

PROCEEDINGS BEFORE THE BOARD.—FIXING DAY AND PLACE.

Fixing day and place for hearing.

14. On the filing of an application the Registrar shall as soon as may be convenient appoint the place of hearing and the day and hour for hearing the application. Such day shall be so fixed as to allow the application and particulars to be served on the Respondents at least eighteen clear days before the day so fixed.

NOTICE OF DAY FIXED.

Notice to parties. Form 11.

15. (1) On the day for hearing an application being fixed the Registrar shall give or send by post notice in writing to the applicant stating the place at which and the day and hour when the application will be heard and shall issue

the application and particulars and the copies for service on the Respondents together with notices stating the place at which and the day and hour on and at which the application will be heard and that if the Respondents do not attend in person or by their solictors or agents such order will be made and proceedings taken as the Board may think just and expedient. Form 12.

(2) Where the application is filed by an employer the notice to be served on the Respondents shall be modified by the omission of the words therein relating to denial or admission of liability for compensation.

SERVICE ON RESPONDENTS.

16. The copies and notices mentioned in the last preceding Rule shall be served on the Respondents at least eighteen clear days before the day fixed for hearing the application. The Applicant shall (unless the Respondent files an answer) after the time limited for filing an answer deliver or transmit to the Registrar an affidavit of service according to the form in the Appendix with such variations alterations and additions as the circumstances of the case may require. Service on Respondents. Form 13.

17. (1) If any Respondent desires to disclaim any interest in the subject-matter of an application 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 Board or intends to rely on the fact that notice of the accident or of death or disablement was not given as required by the Act or that the claim for compensation was not made within the time limited by the Act or intends to deny (wholly or partially) his liability to pay compensation under the Act he shall ten clear days at least before the day fixed for proceeding with the application file with the Board an answer stating his name and address and the name and address of his solicitor or agent (if any) and stating that he disclaims any interest in the subject-matter of the application 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 Board or on which he intends to rely or the grounds on and extent to which he denies liability. Answer by Respondent Form 14.

(2) After the filing of the answer the Respondent shall forthwith serve a sealed copy thereof upon each party to the proceedings other than such Respondent.

(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 not consenting at the hearing of the application 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 Board may on such terms as it shall think fit either proceed with the hearing and allow the respondent to avail himself of such matter or adjourn the hearing to enable the Respondent to file such answer.

(5) The provisions of this Rule shall, with the necessary modifications, apply to a case in which a request for a determination 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.

SERVICE GENERALLY.

18. (1) Service may be effected—

(*a*) by a bailiff of a court.

(*b*) by the Applicant or some clerk or servant in his permanent and exclusive employ; or

(*c*) by the Applicant's solicitor or agent or by some person appointed by either of them.

(2) Service may be effected—

(*a*) by delivering a copy of the documents to be served to the person on whom it is to be served or by sending it by post in a prepaid registered letter addressed to him at his residence or place of business;

(*b*) where the person to be served is the Crown by delivering it to the Crown Solicitor or by sending it by post as aforesaid to him at his office;

(*c*) after proceedings have been initiated by leaving a copy of the document to be served with or by posting it in the manner aforesaid to the solicitor or agent of the person to be served at his address set forth in any document in the proceedings and filed with the Board by or on behalf of the party to be served;

Service by post.

(*d*) 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.

NOTICE TO PARTY AGAINST WHOM INDEMNITY CLAIMED AS SUB-CONTRACTOR.

Notice of claim to indemnity. Form 19.

19. Where a Respondent claims to be entitled under section 14 of the Act to indemnity against any person not a party to the proceedings he shall seven clear days at least before the day fixed for proceeding with the hearing file with the Registrar a notice of his claim according to the form in the Appendix and serve a copy of the same together with a copy of the Applicant's request and particulars and of the notices served on the Respondent under Rules 15 and 16 upon the person against whom such claim is made.

Appearance by Third Party.

20. 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 proceedings as against the Respondent on whose behalf the notice has been given or his own liability to such Respondent he must appear before the

Board on the day fixed for the hearing or on any day to which he may have received notice from the Registrar that the hearing 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 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.

Provided that if it appears to the Board before or at the hearing that the notice of claim has not been served on the Third Party in time to enable him to appear on the day hereinbefore mentioned, or that for any other sufficient cause the Third Party is unable to appear on such day the Board may adjourn the hearing on such terms as may be just.

Proceedings in default of appearance by Third Party.

21. If the Third Party fails to appear on the hearing then if the application for a determination is finally decided in favour of the Applicant the Board may on the application of the Respondent make such award as the nature of the case may require as between the Respondent and the Third Party.

Application for directions.

22. The Third Party or the Respondent may apply before or at the hearing to the Board for directions and the Board 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 hearing 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 Board 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 hearing and take such part therein as may be just and generally may give such directions as it 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 proceedings.

Notice to Party against whom Indemnity Claimed Otherwise than as Sub-Contractor.

Notice of claim to indemnity under section 16 or otherwise than under section 14. Form 19.

23. (1) Where the Respondent claims that if compensation is recovered against him he will be entitled under section 16 of the Act or otherwise than under section 14 to indemnity against any person not a party to the proceedings he shall file and serve a notice of his claim in accordance with Rule 19.

If person served makes default he is to be deemed to admit 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 as against the Respondent on whose behalf the notice has been given, he must appear before the Board on the day fixed for the hearing, or on any

day to which he may have received notice from the Registrar that the hearing has been adjourned or postponed; and in default of his so doing he shall be deemed to admit the validity of any award which may be made against such Respondent as to any matter 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 Board before or at the hearing that the notice of claim has not been served on the Third Party in time to enable him to appear on the day hereinbefore mentioned, or that for any other sufficient cause the Third Party is unable to appear on such day, the Board may adjourn the proceedings on such terms as may be just.

Application for directions as to conduct of proceedings.

(3) The Third Party or the Respondent may apply before or at the hearing to the Board for directions; and the Board upon the hearing of the application, may, if it appears desirable to do so, 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 hearing and take such part therein as may be just, and generally may give such directions as it shall think proper.

Board how far empowered to decide questions as to liability of Third Party.

(5) Nothing in this Rule shall be taken to empower the Board 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 in the proceedings as between the Applicant and the Respondent.

(6) Provided that with the consent of the Respondent and the Third Party:

(*a*) If the proceedings are finally decided in favour of the Applicant, and the Third Party admits his liability to indemnify the Respondent, the Board may, on application made to it at or after the hearing of the proceedings 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: or

(*b*) The Board 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 proceedings between them after the determination of the proceedings between the Applicant and the Respondent, and may on such subsequent proceedings make such award as the nature of the case may require in favour of either party against the other.

THIRD PARTY PROCEDURE WHERE EMPLOYER IS APPLICANT.

24. The provisions of Rules 19 to 23 shall, with the necessary modifications, apply to a case in which an employer who has filed a request for a determination claims to be entitled to indemnity against any person not a party to the proceedings. **Third party procedure where employer is applicant.**

CLAIM TO INDEMNITY AS BETWEEN RESPONDENTS.

25. Where a Respondent claims to be entitled to indemnity against any other Respondent a like notice shall be issued and the like procedure shall thereupon be adopted for the determination of questions between the Respondents as might be issued and adopted against such other Respondent if such last-mentioned Respondent were a Third Party. **Claim to indemnity as between Respondents.**

ABRIDGMENT OF TIME FOR SERVICE, ETC.

26. The Board may for good cause shown or by consent enlarge or abridge the time fixed by these Rules for service of a request for a determination on any Respondent, or the time for filing an answer or serving a Third Party notice or for taking any step or filing any document or giving any notice in any matter; 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 party affected by such order. **Abridgment of time for service, answer, &c.**

PROCEDURE GENERALLY.

27. Subject to the provisions of the Act in any case not provided for by the Act or Rules thereunder the general principles of practice and the Rules observed in County Courts may in the discretion of the Board be adopted and applied to any proceedings or matter with such modifications as may appear necessary or desirable. **Procedure generally.**

AWARDS AND ORDERS.

28. (1) Where a determination or any order has been drawn up signed and made it shall be filed with the Registrar who shall prepare copies sufficient for service on all persons affected thereby and forthwith send one copy of the same by post or otherwise to each of such persons. **Form 20.**

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

APPEARANCE OF PARTIES IN PROCEEDINGS

29. (1) A party to any proceedings or matter may appear— **Appearance of parties.**

(*a*) in person;
(*b*) by a solicitor;
(*c*) by counsel;
(*d*) by agent;
(*e*) under special circumstances and by leave of the Board, by any other person.

(2) No person other than a solicitor or counsel who appears or acts on behalf of any party in any proceedings or matter under the Act shall be entitled to have

or recover any fee or reward for so appearing or acting: Provided that nothing appearing in these Rules shall affect the right of any solicitor to recover costs in respect of his employment of counsel to appear or act as aforesaid in any case in which the Board certifies for counsel.

SEAMEN.

Seamen (as defined by Act).

30. In the application of the Act and these Rules in the case of seamen who are workers within the meaning of the Act and who are members of the crew of any such ship as in the Act mentioned the following provisions shall have effect:—

Claim for compensation in case of death.

(1) In the case of the death of a seaman the claim for compensation shall state the date at which news of the death was received by the claimant.

Where seaman lost with ship.

(2) The claim for compensation on behalf of Dependants of a seaman lost with his ship and the particulars appended or annexed to the request for a determination shall state the date at which the ship was lost or is deemed to have been lost.

Forms of application for a determination. Forms 6 and 7.

(3) An application for a determination shall be according to such one of the forms in the Appendix as shall be applicable to the case, with such modifications as the nature of the case shall require.

Description of owners or charterers in documents and proceedings.

(4) In any document, notice, or proceeding it shall be sufficient to describe the owners or the charterers of the ship as "the owners (*or* "charterers") of the ship," "————" and the provisions of the County Court Rules for the time being as to the disclosure of the names of partners shall with the necessary modifications apply to the disclosure of the names of such owners or charterers.

Service of documents and proceedings.

(5) Subject to the provisions 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 or charterers of a ship shall be deemed to be sufficiently served if served on the managing owner or charterer or manager for the time being of the ship, or (except where the master is claiming compensation) on the master of the ship.

INDUSTRIAL DISEASES.

Application of Act and rules to cases of industrial diseases.

31. In the application of the Act and these Rules in the case of a worker disabled by any disease mentioned in the Act, or any schedule thereto, or in any order of the Governor in Council made under the Act or disabled by 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 worker whose death has been caused by any such disease or injury as above mentioned the following provisions shall have effect:—

Notice of disablement.

(1) The notice required by the Act if given in writing shall state the date and cause of the disablement; and where a certificate of disablement has been given, a copy thereof shall on demand be furnished to the employer.

(2) An application for a determination 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.

Form of application for determination. Forms 8 and 9.

(3) (*a*) If the employer desires to add any other employer as a party to the proceedings on the ground that such disease was contracted whilst the worker was in the employment of such other employer he shall file with the Registrar in duplicate a notice according to the form in the Appendix; and thereupon the Board may add such other employer as a Respondent and may if necessary adjourn the hearing for such time as may be necessary to enable such other employer to be duly served.

Adding Respondent under Act. Forms 15 and 16

(*b*) Where a Respondent is added under the last preceding paragraph, copies of the notice pursuant to and the order by which he is so added shall be sent by post to the original Applicant and Respondents; and the like copies, together with a copy of the Applicant's application and particulars and a notice according to Form 18 in the Appendix, shall be issued by the Registrar for service on the added Respondent; and such copies and notices shall be served on the added Respondent in accordance with Rule 16.

Notice of order and service on added Respondent. Form 18.

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

Application of Rules to added Respondent.

(*d*) At the hearing the Board shall decide all questions as between the Applicant and the original and added Respondents, and may make such determinations as may be necessary effectively and completely to adjudicate upon and settle all the questions involved in the proceedings.

Procedure at hearing.

(4) Where the employer claims that the disease was of such a nature as to be contracted by a gradual process and that he is entitled to contribution from any other employer, he may bring in such other employer as a Third Party in accordance with the Rules relating to third parties, and the provisions of those Rules shall with the necessary modifications apply to any such claim to contribution in like manner as they apply to claims to indemnity.

Claim to contribution under Act. Form 19.

AGREEMENT PRESENTED FOR FILING AND ACCEPTANCE.

32. Where it is desired to file with the Board for acceptance 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 of a worker in the case of death or any other agreement which the Board may refuse or accept—

(i) there shall be presented to the Registrar an application in accordance with the form in the

Presenting Agreement. Form 21.

Appendix to file such agreement for acceptance by the Board which application shall be signed by the party to the agreement who presents the same or by his solicitor or agent as such and shall set forth the address for service of the Applicant or his solicitor or agent and of each other party to the agreement.

Lodging copy and statement.

(ii) (*a*) with such application shall be filed the original agreement;

(*b*) immediately after such filing there shall be lodged with the Registrar a copy of the original agreement and a statement according to Form 22 containing such of the particulars therein mentioned as are applicable and which shall be authenticated by the signatures of the parties to the agreement or one of them; or in the case of an employer by the signature of an official or servant or agent thereunto by the employer authorized; and in the case of a person under disability his signature shall be attested by the signature of his parent guardian or next friend:

Provided that if no signature is appended by or on behalf of a party to the agreement or in the case of a person under a disability by such attesting witness the reason for the absence of such signature and the grounds (if any) of refusal to sign, if such a refusal was made, so far as they are known to the party presenting the application shall be stated;

Medical Certificate.

(*c*) a certificate of a medical practitioner verifying such of the particulars of Form 22 as it may be competent for him to verify.

(iii) Upon or after the presentation of the application the Registrar shall file the application and the accompanying documents and shall note upon the application and agreement and in the appropriate register the date and fact of such filing.

Form 23.

(iv) After the filing of the application the Registrar shall by notice advise the party other than the party presenting the application, and any other person who may appear to have an interest in the matter, of such application; any such person or party may lodge with the Registrar in duplicate notice of objection to the acceptance of the agreement in the form in the Appendix.

Objection.

Form 24.

Form 26.

Summonsing of Parties.

The Registrar may by notice summon the parties to the agreement and/or any such other person to appear before the Board at a time and day to be fixed by such notice; or the Board may accept or refuse to accept such agreement without giving such notice.

(v) Upon the day fixed for the appearance of the parties and/or such other person the Board may in such manner as may appear to it to be proper inquire into the circumstances attendant upon the making of the agreement and generally inform itself of such matters as it may think fit and make such order or give such directions as it may think fit. **Enquiry.**

(vi) In any case in which it appears inconvenient that any party or person as aforesaid should attend before the Board the Board may inform itself of the said circumstances and matters in such manner as it may think fit and to that end may (*inter alia*) require any party or such person to make answer by statutory declaration concerning any such circumstance or matter. **Where inconvenient to attend.**

(vii) The enquiry may be postponed or adjourned until or continued upon any day later than that fixed by the notice to appear.

(viii) If the Board prescribes further time than that primarily limited by the Act within which it may notify the worker and employer of the non-acceptance of an agreement, the Registrar shall note the fact and date of such prescription, and the date of the expiration of such prescribed time upon the application for filing and the agreement, and in the appropriate register, and shall notify the interested parties of such prescription. **Prescribing further time.** **Form 27.**

(ix) The Board may inquire into and require satisfactory proof of the amount (if any) charged by and/or agreed to be paid and/or paid to the worker's solicitor for costs in respect of an agreement, or of any matter incidental thereto. **Costs.**

(x) Upon the completion of the inquiry by the Board, or where the Board has dispensed with any such inquiry, the Board may accept or refuse to accept the agreement. **Acceptance or refusal of agreement.**

(xi) Any requisite notice of non-acceptance of agreement shall be served by the Registrar upon the worker and employer in the manner prescribed by the Rules for service of documents generally. Notice of acceptance or notice to any other person may be sent in such manner as the Registrar may think fit. **Notice of non-acceptance.** **Form 28.**

(xii) Upon the acceptance of or refusal to accept the agreement, the Registrar shall note upon the application for filing and the agreement and in the appropriate register the date and fact of acceptance, or refusal to accept, or if the agreement has under the provisions of the Act been deemed to have been accepted, the date and fact thereof, and shall also similarly note the date and fact of service of any notice of non-acceptance.

Register evidence.

(xiii) In any proceedings or matter within the jurisdiction of the Board, production of the register containing any such note as is referred to in this rule shall be prima facie proof of the facts set forth therein.

Notice by person claiming interest.

(xiv) Any person who claims an interest in the subject-matter or making of an agreement, or if he is an infant, he or his parent, guardian, or next friend may by writing notify the Registrar of his claim to such interest, and the nature and extent thereof either before or after the making of the agreement.

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

Payment in and investment and application of lump sum payable under agreement in lieu of or in redemption of weekly payment to person under disability.

33. 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 such agreement has been accepted by the Board, such sum shall be paid into the custody of the Board and shall be invested applied or otherwise dealt with in such manner as the Board in its discretion thinks fit for the benefit of the person entitled thereto and the receipt of the Registrar shall be a sufficient discharge in respect of the amount paid in.

SUMMONING MEDICAL REFEREE TO SIT WITH BOARD AS ASSESSOR. SUBMISSION TO MEDICAL REFEREE.

Application for assessor. Form 29.

34. (1) Any party to proceedings may eight clear days at least before the day fixed for the hearing file with the Registrar an application according to the form in the Appendix requesting the Board to summon a medical referee to sit with it as an assessor.

Assessor to be summoned if Board approves.

(2) On the receipt of an application for an assessor the Registrar shall if the Board thinks fit summon an assessor.

Notice where Board does not approve. Form 30.

(3) If the Board does not think fit that an assessor shall be summoned, notice thereof shall be given by the Registrar to the person applying therefor according to the form in the Appendix.

Summoning of assessor if Board approves or so directs. Form 31.

(4) If the Board thinks fit either on the application of any party to proceedings or on its own motion to summon a medical referee to sit with it as an assessor the Registrar shall forthwith summon one of the medical referees appointed by the Governor in Council for the area comprising the place in which the proceeding is pending by sending to such medical referee by post a summons according to the form in the Appendix and thereupon the Registrar shall notify the parties that such summons has been sent.

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

(6) Subject to and in accordance with the regulations made by the Governor in Council under the Act the Board may submit to a medical referee for report any matter which seems material to any question arising out of proceedings. **Appointment of medical referees to report.**

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

APPLICATION FOR REFERENCE TO MEDICAL REFEREE.

35. With respect to applications to refer any matter to a medical referee the following provisions shall have effect:— **Application for reference to a medical referee.**

(1) An application to refer any matter to a medical referee shall be made 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 every available report of every medical practitioner who has examined the worker either on behalf of the employer or of the worker. The application shall be signed by or on behalf of both parties; and copies of the application and reports for the use of the medical referee shall be filed by the party who presents such application. **Form 32.**

(2) On the hearing of the application the Registrar shall refer the matter to one of the medical referees appointed for the area comprising the place in which the matter is pending; and shall, in any case whether a matter is pending or not, 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. **Form 33.**

(3) The Registrar shall also make an order directing the worker to submit himself for examination by the medical referee subject to and in accordance with the regulations made by the Governor in Council. **Form 34.**

(4) Before making such order the Registrar shall inquire whether the worker 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 worker on being served with the order to submit himself for examination accordingly.

(5) The Registrar shall deliver or send by registered post to each party a copy of the order of reference and shall send to the worker a copy of the order directing him to submit himself for examination with a notice of the consequence or effect of any refusal or obstruction to such submission for examination

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

Form 35.

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

(8) The fee payable by the applicant for such reference shall be calculated at the rate of One shilling in the pound on twenty-six times the amount of the weekly payments claimed by or payable to the worker so that the total fee shall not exceed Two pounds.

(9) If under the Second Schedule paragraph 15 (*b*) proviso (ii) the effect of the certificate is disputed notice of such dispute may be given to the Board and to the other party by either party and the Board may thereupon summon the parties to attend before it; and upon their attendance or the attendance of either of them may inquire into the matter and make such order or give such directions as it shall think fit.

SUSPENSION OF PROCEEDINGS OR WEEKLY PAYMENTS ON REFUSAL TO SUBMIT TO EXAMINATION.

Application to stay proceedings or suspend weekly payments on refusal of worker to submit to examination under Act.

36. (1) In any case in which a worker has given notice of an accident or is receiving weekly payments under the Act and the employer alleges that the worker refuses to submit himself to medical examination in accordance with the provisions 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 weekly payments until such examination has taken place, in accordance with this Rule.

Form 36.

(2) (*a*) The application shall be on notice in writing and shall state the relief claimed and the conduct of the worker relied upon.

(*b*) The notice shall be filed with the Registrar and a copy thereof shall be sent to the worker or his solicitor or agent five clear days before the hearing unless the Board shall allow shorter notice.

(*c*) On the hearing of the application the Board may inquire into the matter in such manner as it may think fit, and may make such order or give such directions as it may think fit.

PAYMENT INTO CUSTODY OF THE BOARD AND INVESTMENT AND APPLICATION OF MONEY PAYABLE IN CASE OF DEATH.

37. (1) There may be paid into the custody of the Board in the case of death of the worker—

(*a*) Any sum payable under an Award or Determination or Agreement.

(*b*) The sum of Seven hundred and fifty pounds, together with the maximum amount payable in addition thereto for transport, ambulance, nursing, and hospital expenses, and the fees of medical practitioner.

(*c*) In the absence of agreement, where the worker leaves no dependants, the sum of Seventy-five pounds for expenses of medical attendance (including ambulance service and maintenance in hospital) and burial.

(2) Where any such money in the case of death is to be paid into the custody of the Board the following provisions shall have effect:—

(*a*) Where any money is to be paid in under an award determination or agreement payment shall be made in accordance with the directions contained in the award or determination or the provisions of the agreement.

(*b*) Where money is to be paid in under this Rule the employer shall lodge with the Registrar a praecipe in duplicate according to Form 37 in the Appendix, and the Registrar on receipt of the money paid in shall sign a receipt and return the same to the employer.

(*c*) On the payment in of money under this Rule the Registrar shall send by post to each person appearing to be interested a notice of such payment according to Form 38: Provided that in the case of an infant Dependant residing with a parent or guardian such notice may be sent to such parent or guardian.

(*d*) If all questions as to who are Dependants and the amount payable to each Dependant have been settled or ascertained by award determination or agreement before payment in the sum so paid in shall be allotted between the Dependants in accordance with the directions or provisions of the award determination or agreement, and the amount allotted to each Dependant shall be invested applied or otherwise dealt with by the Board for the benefit of the person entitled thereto.

(*e*) If any such questions have not been settled or ascertained as aforesaid either before or after payment in or where the worker leaves no Dependants, if any question shall arise, then the Board may inquire into and settle such questions or question in such manner as it shall think fit.

(*f*) Where any question is settled by the Board in accordance with the foregoing provisions of this Rule an application for the investment or application of any sum allotted to any person may be made at the inquiry into such question.

Form 39.

(3) (a) Where such application is not made at the inquiry it may be made to the Board on notice in writing.

(b) Such notice shall be filed with the Registrar, and where the application is made on behalf of some only of the persons interested notice thereof shall be served on all parties interested five clear days before the hearing of such application.

(c) On the hearing the Board may inquire into the matter in such manner as it may think fit and may make or direct such inquiries as it may think necessary and may make such order as it may think fit.

(4) Every order for the investment or application of money paid in shall impliedly reserve liberty to the parties interested to apply to the Board as they may be advised.

(5) Payments out may be made at the Office of the Board or may be made by cheque sent by post and addressed to the person entitled thereto.

PAYMENT INTO THE CUSTODY OF THE BOARD AND APPLICATION OF WEEKLY PAYMENTS PAYABLE TO PERSON UNDER LEGAL DISABILITY.

Application for payment in of weekly payment to person under legal disability.
Form 40.

38. (1) An application 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 the custody of the Board 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 or ordered by the Board the application may be made at or immediately after the hearing of the procedings.

(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 or agent five clear days at least before the hearing of the application, unless the Board gives leave for shorter notice.

(4) Where any weekly payment is ordered to be paid in, the sums paid in shall be paid out by the Registrar to or otherwise applied for the benefit of the person entitled thereto in such manner as the Board shall direct.

APPLICATION FOR VARIATION OF ORDER UNDER SCHEDULE II., PARAGRAPH (9).

Application for variation of order, paragraph (9), Second Schedule, Act.
Form 41.

39. (1) An application for the variation of an order of the court or Board under paragraph (9) of the Second Schedule to the Act may be made by or on behalf of any person interested.

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

(3) The notice together with a copy thereof shall be filed with the Registrar and such copy notice shall be sealed by the Registrar and served by the person filing such notice at least seven clear days before the date for hearing unless the Board shall allow shorter notice.

(4) At the hearing the Board may inquire into the matter in such manner as it shall think fit and may make such order and give such directions as it may think fit.

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

Investment and application of sums paid in redemption of weekly payments.

40. Where a lump sum payable for the redemption of any weekly payment is ordered by the Board to be invested or applied for the benefit of the person entitled thereto, such sum shall be paid into the custody of the Board; and the provisions of the Act and Rules relating to the investment and application of moneys paid in in the case of death shall apply to the investment and application of such lump sum.

PROCEEDINGS WHERE WORKER RECEIVING WEEKLY PAYMENT INTENDS TO CEASE TO RESIDE IN VICTORIA.

When worker receiving weekly payment intends to cease to reside in Victoria.

41. Where a worker receiving a weekly payment intends to cease to reside in Victoria the following provisions shall have effect:—

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

Form 42.

(2) The application shall be made on notice in writing, according to the form in the Appendix, which shall be filed with the Registrar, and shall be accompanied by a report of a medical practitioner selected by the worker, 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 or agent in accordance with Rule 39; and the applicant shall file a copy of the application and of the report for the use of the medical referee.

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

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

Form 43.

(5) On the hearing of the application the Board on being satisfied that the applicant has a *bonâ fide* intention of ceasing to reside in Victoria shall make an order referring the question to a medical referee; and if it is not so satisfied, it may refuse to make an order.

Form 34.

(6) If the Board makes an order referring the question to a medical referee, it shall also make an order directing the worker to submit himself for examination by the medical referee subject to and in accordance with any regulations made by the Governor in Council; and the provisions of paragraphs (2) to (5) of Rule 35 shall with the necessary modifications apply.

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

Form 35.

(8) The medical referee shall forward his certificate in the matter to the Registrar by registered post, specifying therein the nature of the incapacity of the worker resulting from the injury, and whether such incapacity is likely to be of a permanent nature; and the Registrar shall thereupon proceed in accordance with paragraph (7) of Rule 35.

(9) Where the medical referee certifies that the incapacity resulting from the injury is likely to be of a permanent nature, the Registrar shall on application furnish the worker—

(*a*) with a copy of the certificate of the medical referee, and certified by the Registrar in his own handwriting to be a true copy; and

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

Form 44.

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

Forms 45, 46, 47.

(*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;

and shall procure from the worker a specimen of his signature and file the same for reference (except in cases where the worker is illiterate and unable to sign his name).

(10) A worker who desires to have the weekly payments payable to him remitted to him while residing out of Victoria 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 worker resulting from the injury continues; and such certificate shall be verified by a statutory declaration by the medical practitioner, in the presence of the worker before a person having authority to administer an oath.

Form 46.

(11) The worker shall also make a statutory 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 47.

(12) The worker shall forward the certificate and declaration in the two last preceding paragraphs mentioned to the Registrar, with a request, according to the form in the Appendix for the transmission to him of the amount of the weekly payments due to him, specifying the place where and the manner in which the amount is to be remitted, which request shall be signed by the worker in his own handwriting (except in cases where the worker is illiterate and unable to sign his name). Form 48.

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

(14) If the Registrar is satisfied that the certificate, declaration, and request (if any) are in order, he shall send to the employer a notice according to the form in the Appendix, requesting him to forward the amount due; and the employer shall thereupon forward the amount to the Registrar who shall remit the same, less any fees payable to the Registrar and the costs of transmission, to the worker at the address and in the manner requested by him, such remittance being in all cases at the cost and risk of the worker. Form 49.

PAYMENT OF ARREARS OF WEEKLY PAYMENTS ON DEATH OF WORKER RESIDING OUT OF VICTORIA.

42. (1) In the event of the death of a worker in receipt of weekly payments while residing out of Victoria his representative shall, for the purpose of obtaining payment of the arrears due to the worker, forward to the Registrar a certificate of the death of the worker 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. Payment of arrears of weekly payments on death of worker residing out of Victoria.

(2) For the purpose of this Rule the expression "representatives" shall mean:

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

(*b*) if the worker 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 certificates and documents mentioned in this Rule the Registrar shall examine the same and may if not satisfied that the same are in order, return the same for correction.

(4) If the registrar is satisfied that the certificate and documents are in order, or when they are returned to him in order, he shall send to the employer a notice requesting him to

forward the amount due, and the employer shall remit the same, less any fees payable to the Registrar and the costs of transmission, to the representatives of the worker at the address and in the manner requested by them, such remittance being in all cases at the cost and risk of such representatives.

(5) Upon the employer remitting the amount in accordance with such notice he shall be discharged from any further liability in respect of any such arrears.

COSTS PAYABLE TO HIS SOLICITOR BY PERSON CLAIMING COMPENSATION.

Costs.

43. (1) No agreement as to the amount of costs of or incidental to any proceedings shall be valid or binding. Costs shall be fixed by the Board or by the Registrar by direction of the Board, or taxed according to such one of the scales of costs for the time being applicable to actions and matters in the County Court as the Board shall direct, and in default of such direction shall be taxed according to the scale which would be applicable if the proceeding had been an action in the County Court.

(2) Provided that allowance for the following items whether included in the County Court scale of costs or not:—

(*a*) Preparation of minutes of fact or argument where no counsel employed;

(*b*) Attending conducting cause without counsel;

(*c*) Fee to counsel for settling a proceeding, particulars, answer, statement of defence, or other matters required in the course of the matter or proceedings;

(*d*) Drawing application for a determination;

(*e*) Fee to counsel with brief on any interlocutory motion or application;

(*f*) Fee on brief to counsel in any proceedings or matter;

(*g*) Fee to counsel for advising on evidence;

(*h*) Plans, charts and models for use of the Board on the hearing;

may be made if the Board shall so certify.

Order may be made for payment of allowances to experts and scientific witnesses for qualifying.

44. The Board may order that any expert or scientific witnesses may be allowed for qualifying to give evidence and for attending the hearing such just and reasonable charges and expenses (in addition to travelling expenses to attend the hearing) as appear to the Registrar on taxation to have been properly incurred in procuring evidence and the attendance of such witnesses; and in like cases the Board, subject to the provisons of the next Rule, may order that the just and reasonable charges and expenses of preparing and proving plans drawings models &c. shall be allowed.

Persons preparing plans, drawings, models when called to be paid as ordinary witnesses.

45. Persons who prepare plans drawings models &c. for the purpose of illustration, and who if called at the hearing prove the correctness of such plans drawings models &c. only,

shall not be entitled to allowances as expert and scientific witnesses but shall be allowed for their attendance upon the scale applicable to ordinary witnesses; and there may be also allowed for the preparation of such plans drawings models &c. and of all tracings and copies thereof the sum reasonably paid for the same.

Reasonable costs may be allowed where provision not expressed.

46. (1) Where proceedings are taken for which no provision is made by these Rules or by the scale of costs reasonable costs may be allowed in respect of such proceedings by the Registrar subject to review by the Board, or by special order of the Board.

(2) The Board 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.

Taxation of costs.

47. Where any costs are awarded by the Board it shall be the duty of the Registrar, on application made to him, to tax such costs and to enter in the register the amount of such costs allowed on taxation.

48. (*a*) Where no provision is made in the scale of costs applicable to actions in the County Court for the allowance for the items mentioned in Rule 43 (2) the Registrar may allow such just and reasonable charges as he may think fit subject to review by the Board.

(*b*) The expression "Scale of Costs" shall mean the Scale of Costs in use in County Courts in Victoria.

REVIEW OF TAXATION.

Review of Taxation.

49. (1) An application to the Board 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 Board gives leave for shorter notice.

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

(3) The costs of and incidental to the application shall be in the discretion of the Board.

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

Application to determine costs payable to solicitor.

50. (1) Where a solicitor desires to recover any costs from a person claiming compensation or to claim a lien in respect of or to deduct such costs from any sum awarded or agreed, he may apply immediately after the hearing of the proceedings in which such sum was awarded, or in any other case upon notice in writing.

Form 50.

(2) Such notice shall be served on the person for whom the solicitor or agent acted in accordance with such directions as the Registrar may give.

(3) On the hearing of any application under this Rule, the Board 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.

(4) Where the sum awarded or agreed as aforesaid is in or comes into the custody of the Board the amount to which the solicitor is entitled for costs may on the application of the solicitor be paid to him out of such sum.

WHERE PROCEEDINGS MAY BE TAKEN.

Where proceedings may be taken.

51. (1) All matters which under the Act or these Rules are required to be done by before or in relation to the Registrar or the Board shall be done in the office of the Board :—

(i) nearest to the place in which all the parties reside ;

(ii) if the parties concerned reside in different places,

(*a*) nearest to the place in which the accident out of which the matter arose occurred ; or

(*b*) in the case of any such worker as in Rule 31 mentioned, nearest to the place in which the worker was last employed in the employment to the nature of which the disease was due ; or

(*c*) if the accident out of which the matter arose occurred at sea,

(1) nearest to the place in which the ship shall be when the matter is to be done ; or

(2) nearest to the place comprising the port of registry of the ship ; or

(3) nearest to the place in which the worker or the dependants of the worker by whom or on whose behalf the matter is to be done or some or one of them resides or reside.

(2) The above provisions shall apply without prejudice to any transfer in manner provided by these Rules or directed by the Board.

52. Where any party intends to take the objection that proceedings have been commenced or taken in the wrong place he shall give fourteen clear days' notice of his intention so to do, and the Board, if it upholds such objection, may transfer the proceedings to the proper place or to such place as under the circumstances of the case it may deem advisable upon such terms as it may think fit.

TRANSFER OF PROCEEDINGS.

Transfer.

53. If the Board is satisfied by any party to any matter under the Act before it that such matter can be more conveniently proceeded with at any other place than the place at which otherwise it would be proceeded with it may order such matter to be transferred to such other place and thenceforth such matter shall be proceeded with at the place

to which it is transferred in the same manner as if it had originally been commenced at such place.

Procedure in connection with application to transfer.

54. Where application is intended to be made for the transfer under the last preceding Rule, three clear days' notice in writing of such intended application shall be given by the applicant to the Registrar and to all parties who may be affected by such application; but the Board may at any time, by consent of all parties, or without such consent, or of its own motion, if it thinks fit, order a transfer.

FILING AND SERVICE OF DOCUMENTS AND NOTICES.

Filing and service of document and notices.

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

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

(3) Where any document is under these Rules to be sent to any person by the Registrar, that document may, subject to the provisions of the Act, 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, or agent, 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 or agent on his solicitor or agent.

PROCEDURE GENERALLY.

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

56. The following provisions shall apply to the case of parties acting by solicitors or agents, and as to substituted service and notice in lieu of service, except in the cases in which by the provisions of the Act or of these Rules a specific method of service is prescribed.

(1) Where a party acts by a solicitor or agent any document notice or proceeding required to be served by or upon such party may be served by or upon such solicitor or agent; and service of any such document, notice, or proceeding upon such solicitor or agent or delivery of the same at his office or sending the same to him by post, prepaid, shall be deemed to be good service upon the party for whom such solicitor or agent acts, as upon the day when the same is so served or delivered, or upon which in the ordinary course of post it would be delivered.

(2) A solicitor or agent acting for a party in any matter may give notice in writing by post or otherwise to the Registrar and to the other party, or his solicitor or

agent, that he is so acting, whereupon service of any document notice or proceeding whatsoever authorized by these Rules to be served by or upon a solicitor or agent so acting shall be served by or upon such solicitor or agent accordingly, and he shall be deemed to be the solicitor or agent acting for the party on whose behalf he has given such notice, until notice of change of solicitor or agent has been duly given.

(3) Where a solicitor or agent undertakes the service of any process, he shall make the necessary copies of each process, and the Registrar shall seal the same and return them to the solicitor or agent for service.

(4) Any party who acts by a solicitor or agent may change his solicitor or agent without any order for that purpose, but when any such change is made he shall give forthwith notice in writing to the Registrar and to the other parties to the proceedings or the solicitors or agents (if any) acting for them of such change and of the name and place of business of the new solicitor or agent, and the Registrar shall file the notice given to him; but until such notice is filed and a copy thereof served, the former solicitor or agent shall be deemed to be the solicitor or agent of the party.

(5) Where by reason of the absence of any party, or from any other sufficient cause, the service of any notice proceeding or document cannot be made, the Board may, upon an affidavit showing grounds, make such order for substituted or other service, by advertisement or otherwise, as may be just.

Procedure where not otherwise provided for.

57. Where any matter or thing is not provided for under these Rules, the same procedure shall be followed and the same provisions shall apply with the necessary modifications and, as far as practicable, as in a similar matter or thing under the County Court Acts and the Rules thereunder.

Record of Proceedings—Special Register.

Record of proceedings.

58. Proceedings under the Act before the Board shall be recorded in the books of the Board in the place in which proceedings have been commenced or to which they have been transferred; and the Registrar shall also keep a special register for the purposes of the Act.

References to Medical Referees.

References to medical referees.

59. (1) 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 Governor in Council; and any such regulations shall so far as they affect the proceedings before the Board be deemed to be Rules made by the Board and shall have effect accordingly.

(2) The Registrar shall keep a record in the form prescribed 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 proper officer at such times as may be prescribed by such regulations. Record and returns as to references.

MATTERS, HOW DISTINGUISHED.

60. Every matter brought under the Act shall be intituled in the matter of the Act and shall have a reference to the district or place in which it was instituted and be distinguished by a separate number; and all documents filed and subsequent proceedings taken with reference to such matter shall be intituled in like manner and shall be distinguished by the same number; and the entries made in the special register with respect to each such matter shall be entered together and shall be kept separate from the entries with respect to any other matter. Matters, how distinguished.

FORMS.

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

SUPPLY AND FILLING UP OF FORMS.

62. (1) The Registrar may with the permission of the proper authority supply forms without charge for the use of parties to proceedings. Supply of forms.

(2) Where any party to any proceeding is illiterate and unable to fill up any form required to be used, the Registrar or his clerk may fill up such form for such party. Filling up of forms.

ADVICE.

63. No officer or clerk employed in the office of the Board shall advise any person except as to matters of procedure and practice.

NON-COMPLIANCE WITH RULES.

64. Non-compliance with any of these Rules shall not render any proceedings void unless the Board so directs, but such proceedings may be set aside either wholly or in part as iregular, or amended, or otherwise dealt with in such manner and upon such terms as the Board shall think fit.

WORKERS' COMPENSATION SCHEMES.

65. Every application for certificate to a scheme shall be in Form 52 in the Appendix, and shall be accompanied by the documents mentioned in such Form. If a scheme includes the workers of more than one employer a separate application shall be made by each employer. Form 52.

66. All documents in connexion with such application shall be lodged with the Registrar three clear days before the hearing of the application.

Form 53.

67. The declaration verifying the result of the ballot taken by the workers to whom the scheme is applicable shall be in Form 53 in the Appendix.

Form 54.

68. Every application for certificate to a partial amendment of a scheme shall be in Form 54 in the Appendix, and shall be accompanied by the documents mentioned in such Form. If a scheme includes the workers of more than one employer, a separate application shall be made by each employer.

Form 55.

69. Every application for renewal of certificate to a scheme shall be in the Form 55 in the Appendix and shall be accompanied by the documents mentioned in such Form. If a scheme includes the workers of more than one employer a separate application shall be made by each employer.

Form 56

70. Every complaint by or on behalf of workers shall be as nearly as may be in Form 56.

71. The Registrar shall demand, receive and take for the use of His Majesty the several fees allowed by and mentioned herein and no more, and such fees shall be paid by the person by whom or on whose behalf the act or proceeding (in respect whereof the same is payable) is required, before such act shall be done or such proceeding shall be issued or taken (as the case may be):—

	£	s.	d.
For every certificate to a scheme, or for the renewal of certificate to a scheme, when the number of workers in the employment—			
does not exceed 100	1	0	0
exceeds 100, but does not exceed 500	2	0	0
exceeds 500, but does not exceed 1,000	3	0	0
exceeds 1,000	5	0	0
For every certificate to a partial amendment of a scheme	1	0	0

(In any of the above cases when a scheme includes the workers of more than one employer the fee will be payable by each employer in accordance with the number of workers in his employment)

For every determination as to distribution of funds on expiration or revocation of certificate to a scheme, when the amount for distribution—				
does not exceed £680 ...	5	0	0	
exceeds £680 ...	Not exceeding 1 per cent. of the amount for distribution			
For signing and sealing, or signing or sealing any document not chargeable with any other fee	0	1	0	
For every search in the office of the Registrar relating to one and the same scheme	0	1	0	
For every copy of any document not exceeding one folio ...	0	1	0	
For every folio or fraction beyond the first folio	0	1	0	

SCALE OF FEES IN MATTERS OTHER THAN SCHEMES.

(1) No fee shall be payable by any party in respect of any proceedings by or against a worker prior to the award.

(2) In any proceedings or matter not being proceedings or a matter prior to an Award, fees shall be payable in accordance with the provisions and the table next hereinafter appearing:—

	s.	*d.*
(*a*) On every original application or notice in writing to the Board or Registrar ...	1	0
(*b*) On every Award or Order of the Board in the nature of an Award	5	0
(*c*) On every Order of the Board in any other matter	2	6
(*d*) For every certificate of the Registrar or the Board	5	0
(*e*) Office copies of any proceedings whatever if made in the office, per folio of 72 words ...	1	0
(*f*) On every taxation of costs not exceeding three folios of 72 words	3	0
(*g*) Exceeding three folios, per folio of 72 words additional	1	0
(*h*) For filing any answer defence or statement required to be filed	1	0

(*i*) For filing every affidavit	1	0
(*j*) On every payment into the custody of the Board	2	6
(*k*) For every search	1	0

(*l*) On any other proceedings not herein specified, for which if such or a similar proceeding were taken in an action a fee would be payable, the fee which would be payable if such proceedings were taken in an action in the County Court.

APPENDIX.

FORM 1.

Application for a Determination by Injured Worker with respect to the Compensation payable to him.

In the matter of the Workers' Compensation Acts.

No. of Matter

In the matter of an Application by

A.B.
of [*address*]
[*description*] Applicant.

against

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 worker 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 worker 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. A Determination is hereby requested.

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 worker was then engaged, and nature of accident and cause of injury ...
5. Nature of injury... ... ...
6. Particulars of incapacity for work, whether total or partial, and estimated duration of incapacity ... ...
7. Average weekly earnings during the 12 months previous to the injury, if the applicant has been so long employed under the employer by whom he was immediately employed, or if not, during any less period during which he has been so employed ... ...
8. Average weekly amount which the applicant is earning or is able to earn in some suitable employment or business after the accident ... ...
9. In the case of total incapacity the name, sex and date of birth of each child of the worker under 14 years of age and totally or mainly dependent upon the earnings of the worker at the date of the accident. ["Child" includes person deemed to be a child].

FORM 1—*continued.*

PARTICULARS—*continued.*

10. Payment, allowance, or benefit received from employer during the period of incapacity and amount recovered from any other person in respect of the injury
11. Amount claimed as compensation. Set out separately the amounts (if any) of expenses of transport (otherwise than by ambulance) to hospital, ambulance services, fees payable to any medical practitioner in respect of any medical or surgical treatment or examination, fees payable to any registered nurse, expenses incurred by any hospital in affording treatment ... ...
12. Date of service of statutory notice of accident on respondent and whether given before worker voluntarily left the employment in which he was injured. [*A copy of the notice if written to be annexed*] ...
13. If notice not served, reason for omission to serve same ... ...

The names and addresses of the applicant and his solicitor or agent are—

Of the Applicant :

Of his Solicitor or Agent :

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

Dated his day of

(Signed) Applicant.

[*Or* Applicant's Solicitor or Agent.]

FORM 2.

Application for a Determination by or on behalf of Dependants of Deceased Worker with respect to the Compensation payable, and the Settlement of Questions as to who are dependants, and the Apportionment and Application of such Compensation.

In the matter of the Workers' Compensation Acts.

No. of Matter

In the matter of an Application by

E.F.

of [*address*]

[*description*] Applicant.

against

C.D. & Co. Limited

of [*address*] ...

[*description*]

and

G.H.,

of [*address*]

[*description*] Respondents.

[*or, as the case may be*].

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 worker employed by C.D. & Co. Limited [*or* by a contractor with C.D. and 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 the liability of the said (C.D. and Co. Limited) to pay compensation to the dependants of the said A.B. : *or*

FORM 2—*continued.*

(*b*) as to who are dependants of the said A.B.

(*c*) 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.

[*or as the case may be*].

3 A Determination 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*]

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

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

PARTICULARS.

1. Name and late address of deceased worker ...
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 4 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 4 years, particulars of his average weekly earnings during the period of his actual employment under the said employer ... ...
7. Amount of weekly payments (if any) made to deceased under the Act, and of any lump sum paid in redemption thereof ... ...
8. Name and address of applicant ... ...
9. Character in which applicant applies, *i.e* whether as legal personal representative of deceased or as a dependant, and if 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 description and occupations (if any) and their relationship to the deceased. and if infants, their respective dates of birth, and stating whether they were wholly or partially dependent on the earnings of the deceased at the time of his death ...
11. Particulars as to any persons claiming or who may be entitled to claim to be dependants, but as to whose claim a question arises, and who are therefore made respondents. with their names, addresses, and descriptions and occupations (if any) ... ...

FORM 2—*continued.*

PARTICULARS—*continued*

12. Particulars of amount claimed as compensation and of the manner in which the applicant claims to have such amount apportioned and applied. Set out separately the amounts (if any) of expenses of transport (otherwise than by ambulance) to hospital, ambulance services, fees payable to any medical practitioner in respect of any medical or surgical treatment or examination, fees payable to any registered nurse, expenses incurred by any hospital in affording treatment ...
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 if written, to be annexed.*] ... ...
14. If notice not served reason for omission to serve same ... .

The name and address of the applicant and his solicitor or agent are—

Of the Applicant,
Of his Solicitor or Agent,

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

Dated this day of
(Signed)
Applicant.
[*Or* Applicant's Solicitor or Agent.]

FORM 3.

Application for a Determination 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 Worker has been agreed or ascertained.

In the matter of the Workers' Compensation Acts.

No. of Matter.

In the matter of an Application by

E.F.
of [*address*]
[*description*] Applicant

against

C.D. & Co. Limited
of [*address*]
[*description*]

J.K.
of [*address*]
[*description*]

and

L.M.
of [*address*]
[*description*] Respondents.

[*or as the case may be*; *see Rule* 6.]

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 worker 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.) has been ascertained by agreement accepted by the Board *or* by a determination but a question has [*or* questions have] arisen

FORM 3—*continued.*

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

(*a*) as to who are dependants of the said A.B. ; *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. A Determination 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*]

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

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

PARTICULARS.

1. Name and late address of deceased worker...
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. Determined 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, *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 dates of birth, and stating whether they were or claim to have been wholly or partially dependent 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 an 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 or agent are—

Of the Applicant,
Of his Solicitor or Agent.

FORM 3—*continued.*

PARTICULARS—*continued.*

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

(C.D.) and Co. Limited.
(G.H.)
(I.K.)
(L.M.)

[*Or as the case may be.*]

Dated this day of
(Signed)
Applicant.
[*Or,*
Applicant's Solicitor or Agent.]

FORM 4.

Application for a Determination with respect to the Compensation payable in respect of Expenses of Medical Attendance (including Ambulance Service and Maintenance in Hospital) and Burial, where Deceased Worker leaves no Dependants.

In the matter of the Workers' Compensation Acts.

No. of Matter.

In the matter of an Application by

E.F.,
of [*address*]
[*description*]
Applicant.

against

C.D. & Co. Limited,
of [*address*]
[*description*]

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 worker 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 Acts.

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 worker ; *or*

(*b*) as to the liability of the said C.D & Co. Limited , to pay compensation in respect of some or all the above-mentioned expenses (specifying which) ; *or*

(*c*) as to the amount of compensation payable by the said C.D. & Co. Limited in respect of some or all of the above-mentioned expenses (specifying which ; *or*

(*d*) as to the apportionment and application of the compensation payable by the said C.D. & Co. Limited in respect of some or all of the above-named expenses (specifying which).

[*or as the case may be*].

FORM 4—*continued.*

4. A Determination is hereby requested.

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

PARTICULARS.

1. Name and late address of deceased worker ...

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. Name and address of applicant ..

7. Character in which applicant applies, *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. Particulars and items making up medical and funeral or other expenses ... ...

11. 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 if written to be annexed*] ... ...

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

The names and addresses of the applicant and his solicitor or agent are—

Of the Applicant
Of his Solicitor or Agent.

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

Dated this day of

(Signed)

Applicant.

[*Or*

Applicant's Solicitor or Agent.]

FORM 5.

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

In the matter of the Workers' Compensation Acts.

No. of Matter

In the matter of an Application by

C D. & Co. Limited,

of [*address*]

[*description*] Applicants,

against

A.B.

of [*address*]

[*description*] Respondent.

[*or as the case may be*]

A determination is hereby requested with respect to the review and termination [*or* diminution, increase, *or* redemption, *as the case may be*] of the weekly payment payable to the said A.B.

Particulars are hereto appended [*or* annexed].

PARTICULARS.

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

The names and addresses of the applicant and his solicitor or agent are—

Of the Applicant

Of his Solicitor or Agent

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

Dated this day of

(Signed) Applicants.

[*Or* Applicants' Solicitor or Agent.]

FORM 6.

Application for a Determination by Seaman with respect to the Compensation payable to him.

In the matter of the Workers' Compensation Acts

No. of Matter.

In the matter of an Application by

A.B.

of [*address*]

[*description*] Applicant

against

The owners [*or* charterers] of the ship " ".

Respondents.

1. On the day of personal injury by accident arising out of and in the course of his employment was caused to A.B. , employed in the capacity of on board the Victorian ship by the owner [*or* charterer] thereof.

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 worker ; *or*

(*b*) as to the liability of the owners [*or* charterers] of the said ship to pay compensation ; *or*

FORM 6—*continued.*

(c) as to the amount [*or* duration] of the compensation payable by the owners [*or* charterers] of the said ship to the said A. B

[*or as the case may be*].

3. A determination is hereby requested.
4. Particulars are hereto appended [*or* annexed].

PARTICULARS.

1. Name and address of applicant ... ...
2. Name of ship on which applicant was employed 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 charterers, 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. In the case of total incapacity, the name, sex and date of birth of each child of the worker under 14 years of age and totally or mainly dependent upon the earnings of the worker at the date of the accident
10. Payment allowance or benefit received from employer during the period of incapacity and amount recovered from any other person in respect of the injury ... ...
11. Amount claimed as compensation. Set out separately the amounts (if any of expenses of transport (other than by ambulance) to hospital, ambulance services, fees payable to any medical practitioner in respect of any medical or surgical treatment or examination, fees payable to any registered nurse, expenses incurred by any hospital in affording treatment ... ...
12. 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 if written to be annexed*] ... ...
13. If notice not served, reason for omission to serve same ... ...

The names and addresses of the applicant and his solicitor or agent are—

Of the Applicant,
Of his Solicitor or Agent.

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

[*State name and address of managing owner or manager, or of master of ship. See Rule* 30].

Dated this day of

(Signed) Applicant.

[*Or* Applicant's Solicitor or Agent.]

FORM 7.

Application for a Determination by or on behalf of Dependants of Deceased Seaman.

In the matter of the Workers' Compensation Acts.

No. of Matter

In the matter of an Application by

E.F.

of [*address*]

[*description*] Applicant.

against

The owners [*or* charterers of the Ship "

and

G.B.

of [*address*]

[*description*] Respondent.

[*or as the case may be.*]

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 employed in the capacity of on board the Victorian ship by the owner [*or* charterer] and on the day of the death of the said A.B. resulted from the injury [*or* the ship which left the port of 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 employed in the capacity of .

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 worker ; *or*

(*b*) as to the liability of the owners [*or* charterers] to pay compensation; *or*

(*c*) as to the amount of compensation payable ; *or*

(*d*) as to who are dependants of the said A.B.

(*e*) as to the apportionment and application of the compensation payable.

[*or as the case may be*].

3. A Determination is hereby requested.

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

PARTICULARS.

1. Name and late address of seaman ... ...
2. Name of ship on which deceased was employed 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 4 years next preceding the injury or date of loss if he had been so long employed under the same owners [*or* charterers], or if the period of his employment had been less than the said 4 years, particulars of his average weekly earnings during the period of actual employment under the said owners [*or* charterers] ... ...

FORM 7—*continued.*

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 ...
9. Character in which applicant applies, *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 the 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 dates of birth, and stating whether they were wholly or partially dependent on the earnings of the deceased at the time of his death ...
11. Particulars as to any persons claiming or who may be entitled to claim to be dependants, but as to whose claim a question arises, and who are therefore made respondents, with their names, addresses, and descriptions and occupations [if any] ...
12. Particulars of amount claimed as compensation, and of the manner in which the applicant claims to have such amount apportioned and applied. Set out separately the amounts (if any) of expenses of transport (otherwise than by ambulance) to hospital, ambulance services, fees payable to any medical practitioner in respect of any medical or surgical treatment or examination, fees payable to any registered nurse, expenses incurred by any hospital in affording treatment ... ...
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 if written to be annexed*] ... ...
14. If notice not served, reason for omission to serve same.

The names and addresses of the applicant and his solicitor or agent are—

Of the Applicant,

Of his Solicitor or Agent,

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

As representing the owners [*or* charterers] of the ship "

[*State name and address of managing owner or manager or of master of ship.*] See Rule 32.

and G.B.

Dated this day of

(Signed)

Applicant.

[*Or* Applicant's Solicitor or Agent.]

FORM 8.

Application for a Determination by a Worker disabled by having contracted Industrial Disease.

In the matter of the Workers' Compensation Acts.

No. of Matter

In the matter of an Application by

A.B.,
of [*address*]
[*description*] Applicant,

against

C.D. & Co. Limited,
of [*address*]
[*description*] Respondent.

1. On the day of Mr. , a certifying medical practitioner [*or* Mr. , one of the medical referees] certified that A.B. of was suffering from a disease coming within the provisions of the Act and was thereby disabled from earning full wages at the work at which he was employed.

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 by 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. is a worker; *or*

(*b*) as to the iability of the said C.D. & Co. Limited to pay compensation in respect of the said disease; *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 to the said A.B.

[*or as the case may be*]

4. A determination is hereby requested.

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 ... ...
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 ...
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 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 ... ...

FORM 8—*continued.*

PARTICULARS—*continued.*

10. In the case of total incapacity, the name, sex and date of birth of each child of the worker under 14 years of age, and totally or mainly dependent upon the earnings of the worker at the date of the accident ...
11. Payment, allowance or benefit received from employer during period of incapacity and amount recovered from any other person in respect of the injury ...
12. Amount claimed as compensation. Set out separately the amounts (if any) of expenses of transport, ambulance, medical, nursing and hospital fees.
13. Date of service of statutory notice of disablement or suspension on respondents. [*A copy of the notice if written to be annexed*]
14. If notice not served, reason for omission to serve same ... ...

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

FORM 9.

Application for a Determination by or on behalf of Dependants of Deceased Worker whose death has been caused by Industrial Disease.

In the matter of the Workers' Compensation Acts.

No. of Matter .

In the matter of an application by

E. F.,
of [*address*]
[*description*] Applicant,

against

C.D. & Co. Limited,
of [*address*]
[*description*]

and

G.H.,
of [*address*]
[*description*] Respondents.

[*or as the case may be*]

1. On the day of Mr. , a certifying medical practitioner [*or* Mr. , one of the medical referees] certified that A.B. , of , was suffering from a disease coming within the provisions of the Act, 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.

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, 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 worker; *or*

(*b*) as to the liability of the said C.D. & Co. Limited to pay compensation; *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*

FORM 9—*continued.*

(*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. ; *or*

(*g*) as to who are dependants of the said A.B. ; *or*

(*h*) as to the apportionment and application of the compensation payable

[*or as the case may be*].

4. A determination is hereby requested.

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

PARTICULARS.

1. Name and late address of deceased worker
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 four 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 four 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 .. ...
10. Character in which applicant applies, *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 dates of birth, and stating whether they were wholly or partially dependent on the earnings of the deceased at the time of his death ...
12. Particulars as to any persons claiming or who may be entitled to claim to be dependants, but as to whose claim a question arises, and who are therefore made respondents, with their names, addresses, and descriptions and occupations (if any) .. ...

FORM 9—*continued.*

PARTICULARS—*continued.*

13. Particulars of amount claimed as compensation, and of the manner in which the applicant claims to have such amount apportioned and applied. Set out separately the amounts (if any) of expenses of transport (otherwise than by ambulance) to hospital, ambulance services, fees payable to any medical practitioner in respect of any medical or surgical treatment or examination, fees payable to any registered nurse, expenses incurred by any hospital in affording treatment.
14. Date of service of statutory notice of disablement. [*A copy of the notice if written to be annexed*]
15. If notice not served, reason for omission to serve same ... .

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

FORM 10.

Application for a Determination where Rights of Employer against Insurers are Transferred to Worker.

In the matter of the Workers' Compensation Acts.

No. of Matter.

In the matter of an Application by

A.B.

of [*address*]

[*description*] Applicant

against

[*Name and address of insurers*] Respondents.

1. On the day of personal injury by accident arising out of and in the course of his employment was caused to A.B. , a worker employed by , of [*name and address of employer*] [*or* by of , a contractor with [*name and address of employer*]. for execution of work undertaken by him] and the said A.B. claims that the said [*employer*] thereupon became liable to pay compensation.

[*Or, where weekly payment has been settled.*]

1. Under an agreement [*or* a decision, *or* an award], made or given at 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 worker 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 insolvent or 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 the provisions of the said Act, been transferred to and vested in the said A.B.

FORM 10—*continued.*

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 worker; *or*

(*b*) as to the liability of the said [*employer*] to pay compensation; *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. A determination is hereby requested.

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 Board, 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 or agent are—

Of the Applicant,

Of his Solicitor or Agent,

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

Dated this day of

(Signed) Applicant.

[*Or* Applicant's Solicitor or Agent.]

NOTE.—*This Form to be adapted as required to an application for determination as between the dependants of a deceased worker and insurers.*

FORM 11.

Notice to Applicant of Day upon which Hearing of Application will be proceeded with.

[*Heading as in Application for Determination.*]

TAKE NOTICE that the Board will proceed to hear the application in this matter at its premises at on the day of at the hour of o'clock in the noon or as soon thereafter as the parties can be heard.

Dated this day of

To

Of

Registrar

FORM 12.

Notice to Respondent of Day upon which Hearing of Application will be proceeded with.

[*Heading as in Application for Determination.*]

TAKE NOTICE that the Board will proceed to hear the Application for in this matter at its premises at on the day of at the hour of o'clock in the noon or as soon thereafter as the parties can be heard.

If you do not attend either in person or by your solicitor or agent at the time and place above mentioned such order will be made and proceedings taken the Board may think just and expedient.

FORM 12—*continued.*

And further take notice, that if you wish to disclaim any interest in the subject-matter of the application, 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 Board or intend to rely on any fact, or to deny (wholly or partially) your liability to pay compensation under the Act, you must file with me an answer, stating your name and address and the name and address of your solicitor or agent (if any), and stating that you disclaim any interest in the subject-matter of the application, 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 Board 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 Board, must be filed with me ten clear days at least before the day of

You must then forthwith serve a sealed copy upon the Applicant and each other Respondent.

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

Dated this day of

To
Of

Registrar

FORM 13.

Affidavit of Service of copy of Application for a Determination and Particulars and Notices.

In the matter of the Workers' Compensation Acts.
No. of Matter

In the matter of an Application by

E.F.,
of [*address*]
[*description*] Applicant.

against

C.D. & Co. Limited,
of [*address*]
[*description*]
and
G.H.,
of [*address*]
[*description*] Respondents.

I, A.B., of
Solicitor or Agent for [*or as the case may be*].
make oath and say :— (*or as the case may be*)

1. That I am a clerk [*or* servant] in the permanent and exclusive employ of [*or* am a clerk in the employ of [R.S. of , solicitor, agent for] L.M., of , solicitor for] the above-named applicant [or as the case may be], and that I am over sixteen years of age.

2. That I did on the day of 19 , duly serve upon C.D. & Co. Limited, the above-named respondent [*or* one of the above-named respondents] the copy of application for Determination herein and particulars thereof [*or as the case may be*], a true copy of which is hereunto annexed marked "A," together with the notice (or notices) to Respondent under Rule 15, by leaving the same at , the registered office of the company [*or* by delivering the same personally to the said defendant [*insert time, place, and mode of service*] *or as the case may be*].

Sworn at , in the bailiwick, on the day of 19 , before me,

A Commissioner for taking declarations and affidavits.
[*or as the case may be*].

[*Indorse the copy request or other matter*:—This paper marked "A paper referred to in the annexed affidavit.]

FORM 14.

ANSWER BY RESPONDENTS.

R. 17.

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

[*Heading as in Request for a Determination.*]

TAKE NOTICE—

That the respondent G.H. disclaims any interest in the subject-matter of the above application.

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 Board the facts stated in the particulars hereto annexed.

Or

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

Or

That the respondents C.D. and Co., Limited, deny their liability to pay compensation, 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 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, [*or* refuses to submit himself for examination by a medical referee as ordered] [*or* obstructs the examination by a medical referee ordered on the day of]

[*or as the case may be*].

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

That notice of the alleged accident [*or* of death *or* disablement] 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 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 worker was] not a worker to whom the Act applies : *or*

(ii) That the injury to the applicant [*or* to the deceased worker] was not caused by accident arising out of and in the course of his employment : *or*

(iii) That the injury to the applicant was attributable to the serious and wilful misconduct of the applicant 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 worker] 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 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*

FORM 14—*continued.*

PARTICULARS—*continued.*

(v) That the injury to the applicant [*or* to the deceased worker] 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 worker] has taken proceedings against that person and has recovered damages from him and the circumstances attendant thereupon are such that the applicant is not entitled to compensation. Particulars :—

In case of industrial disease,

(vi) That the applicant [*or* the deceased worker] 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 worker] 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 worker] 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 or agents are—

Dated this day of

(Signed)

Solicitors or Agents for the Respondent (naming him).

To the Registrar

To the Applicant, A.B., and

To the Respondents

if any [*naming them*]

FORM 15.

Application for Addition of Employer as Respondent (Industrial Disease).

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

[*Heading as in Application for a Determination.*]

TAKE NOTICE—

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

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

Dated this day of

(Signed)

Respondent.

[*Or*

Solicitor or Agent for the Respondents, C.D. & Co. Limited.]

To the Registrar

FORM 16.

Order adding Respondents.

[*Heading as in Application for a Determination.*]

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

Dated this day of

FORM 17.

Notice to Applicant and Original Respondents of Addition of Respondents.

[*Heading as in Application for a Determination.*].

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 application [and that the hearing be adjourned to the day of at o'clock in the noon or so soon thereafter as the parties can be heard].

Dated this day of

Registrar

To the Applicant
and
The Respondents

FORM 18.

Notice to Party who is added as Respondent.

[*Heading as in Application for a Determination*].

To of [*address and description*]

TAKE NOTICE—

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

And further take notice, that the hearing of the above application has been appointed for the day of at o'clock in the noon, or so soon thereafter as the parties can be heard, and that if you do not attend, either in person or by your solicitor or agent, at the premises of the Board at upon the day and at the hour above-mentioned, such order will be made and proceedings taken as the Board may think just and expedient.

And further take notice, that if you wish to disclaim any interest in the subject-matter of the application, 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 Board or intend to rely on any fact, or to deny (wholly or partially) your liability to pay compensation under the Act, you must file with me an answer stating your name and address and the name and address of your solicitor or agent (if any) and stating that you disclaim any interest in the subject-matter of the application, 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 Board or on which you intend to rely, or the grounds on and extent to which you deny liability to pay compensation.

FORM 18—*continued.*

Such answer, together with a copy thereof for the Board, must be filed with me ten clear days at least before the day of
You must then within 3 days of filing serve a sealed copy thereof upon the applicant and each other respondent. If no answer is filed, and subject to such answer, if any, the applicant's particulars and your liability to pay compensation will be taken to be admitted.

Dated this day of

To

Of

Registrar

FORM 19.

Notice by Respondent to Third Parties.

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

[*Heading as in Application for a Determination.*]

To , of [*Address and description.*]

TAKE NOTICE—

That A.B. , of &c. , has filed an application for a determination (a copy whereof is hereto annexed) as to the amount of compensation payable by the respondents, C.D. and 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 as to the compensation payable to the dependants of A.B. , deceased, in respect of the injury caused to the said dependants 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 Application for a Determination.*]

The respondents, C.D. and 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 to pay damages in respect thereof and that Compensation has been recovered against the abovementioned

(*Note.—This issue must be settled by action in the Civil Courts unless the parties consent to its being settled by the Board.*]

[*Or as the case may be.*]

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

And take notice, that if you wish to dispute the applicant's claim as against the respondents C.D. and Co. Limited , or your liability to the said respondents, you must appear before the Board at the time and place mentioned in the notice, a copy of which is hereunto annexed.

FORM 19—*continued.*

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

Dated this day of

(Signed)

[*Or,*

Solicitor or Agent for the Respondents—

C.D. & Co. Limited.]

To

Of

FORM 20.

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 Board.*

(i) *In case of Application by Worker.*

[*Heading as in Application for a Determination.*]

Having duly considered the matters raised in these proceedings the Board doth award as follows :—

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

1. It is ordered that the respondents, C. D. & Co. Limited do pay to the applicant A.B. the weekly sum of as compensation for personal injury caused to the said A.B. on the day of , by accident arising out of and in the course of his employment as a worker 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 it is ordered that the said C. D. & Co. Limited 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 and do thereafter pay the said sum of to the said A.B. on in every week.

Dated this day of

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

[*Heading as in Application for a Determination.*]

Having duly considered the matters raised in these proceedings the Board doth award as follows :—

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

1. It is ordered 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 worker employed by the said respondents.

2. It is determined 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.*

FORM 20—*continued.*

3. [*Add, if so found.*] And it is determined 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. It is ordered that the said sum of £ be apportioned between the said J.B. and (1) in the proportions following that is to say :—
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 to them.*

5. It is ordered that on payment to the registrar of the said sum of £ , the registrar 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 (less any fee for the investment thereof) be invested by the registrar in his name in a Savings Bank for the benefit of the said J.B. and that out of the sum so invested and the accruing interest thereof the registrar 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

6. And it is ordered that on payment to the registrar of the said sum of £ the sums of £ and £ hereby apportioned to or for the benefit of the said respectively (less any fees for the investment thereof) be invested by the registrar in his name in a Savings Bank 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, or benefit of the said and respectively.

7. The said J.B. and the said or any of them shall be at liberty to apply 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.

Dated this day of

(iii) *In case of Application by Person to whom expenses of Transport, Ambulance, Nursing or Hospital or of Medical Attendance or Burial are due.*

[*Heading as in Application for a Determination.*]

Having duly considered the matters raised in these proceedings, the Board doth award as follows :—

[*Leave space for any introductory recitals of findings on which the award is made which the Board may direct.*]

1. It is ordered that the respondents C.D. & Co. Limited do pay the sum of £ for or towards the expenses of medical attendance on and the burial [*or* as the case may be] 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 worker employed by the said C.D. & Co Limited.

2. It is determined that the persons hereinafter named are entitled to share in such compensation, that is to say :

The applicant E.F. in respect of charges amount to £ due to [*or* payable by] him for medical attendance on the said A.B. and the respondent G.H. in respect of charges amount to £ due to him for the burial of the said A.B.

3. It is ordered that the respondents C.D. and Co., Limited do pay the said sum of £ to the registrar of the Board at 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.

Dated this day of

[NOTE.—*The above forms will serve as guides for framing awards in other cases.*]

FORM 21.

Application to File Agreement for Acceptance by Board.

In the Matter of the Workers Compensation Acts;

and

In the Matter of an Agreement dated the day of and made—

Between of (the Worker or a dependant or as the case may be),

and,

of (the Employer),

as to (i) Redemption;

(ii) Compensation payable to a Person under Disability.

(iii) Compensation payable to dependant in the case of death of worker.

[*Strike out inappropriate matter.*]

I, the abovenamed [*or*, Solicitor or Agent for the abovenamed] of present this application to file the above described agreement for acceptance by the Board.

My address for service is.

The name and address for service of each other party. to the agreement is

Dated this day of , 19 .

(Signed)

[*Registrar to add particulars of filing, &c., in this space.*]

FORM 22.

Information to be supplied where 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, in the case of death of worker is presented for acceptance by the Board.

A. *In case of agreement with injured worker.*

[*Heading as in last preceding Form.*]

(*a*) A.B. named in the agreement presented for acceptance in this matter was at the date of the accident [*or* disablement] years of age. The date of his birth was

(*b*) He was employed as , and his average weekly earnings computed in accordance with the above-mentioned Act were

(*c*) He was, on the day of , 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*].

FORM 22—*continued.*

(*e*) [If he was or is totally incapacitated, state such fact and add the name, sex, and date of birth of each child under 14 years of age, and totally or mainly dependent upon the earnings of the worker at the date of the accident.]

(*f*) Set out the amounts (if any) of expenses of transport (otherwise than by ambulance) to hospital, ambulance services, fees payable or paid to any medical practitioner or registered nurse, expenses incurred by any hospital in affording treatment, and whether any and which have been paid wholly or in part by employer.

(*g*) 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. Set forth also the amount (if any) received, or to which entitled, independently of the Act.*]

(*h*) The amount agreed to be paid is arrived at as follows :—

[*To be signed in accordance with Rule* 32.]

Dated this day of , 19 .

B. *Where death resulted from injury or industrial disease.*

[*Heading as in last preceding Form.*]

(*a*) A.B. named in the agreement presented for acceptance in this matter was at the date of the accident [*or* disablement *or* death] years of age. The date of his birth was He was injured on the day of and died the day of

(*b*) He was employed as and his earnings in the employment of during the four years next preceding the injury in the said agreement mentioned [*or* his average weekly earnings during the period of his employment under] were

(*c*) He left the following dependants wholly dependent upon his earnings, and the following dependants partly dependent, viz. :—

[*Here state dependants, with their relationship to the deceased, 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 partly dependent, viz. :—

[*Here state dependants, with their relationship to the deceased, and particulars showing how and to what extent they were dependent, their ages and the dates of their births.*]

(*d*) The said received the following payments, allowances, or benefits from his employers after the accident [*or* disablement], viz. :—

Set forth also the amount (if any) received, or to which entitled, independently of the Act.

(*e*) Set out the amounts (if any) of expenses of transport (otherwise than by ambulance) to hospital, ambulance services, fees payable or paid to any medical practitioner or registered nurse, expenses incurred by any hospital in affording treatment, and whether any and which have been paid wholly or in part by employer.

(*f*) The amount agreed to be paid is arrived at as follows :—

Dated this day of , 19 .

[*To be signed in accordance with Rule* 32.]

FORM 23.

Notice of Agreement having been Filed.

[*Heading as in last preceding Form.*]

TAKE NOTICE that the agreement above described has been filed with me for acceptance by the Board.

Such agreement appears to affect you.

FORM 23—*continued.*

I have therefore to request you to inform me forthwith whether you admit that the agreement ought to be accepted or whether you object to its being accepted, and if so, on what grounds.

If you do not inform me accordingly forthwith, it may be accepted without further inquiry.

If you object on any ground which may seem to the Board to be proper, the Board may inquire into the circumstances of the making of the agreement and such other matters as it may see fit.

Dated this day of

Registrar.

To

FORM 24.

Notice objecting to Acceptance of Agreement.

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

(*a*)

[*Heading as in last preceding Form.*]

TAKE NOTICE that the undersigned of &c., objects to the acceptance of the agreement filed with you in the above-mentioned matter on the following grounds :—

[*Here state grounds.*]

Dated this day of

(Signed)

[*Or,*
Solicitor or Agent for .]

To
The Registrar

FORM 25.

Notice that Acceptance of Agreement is Objected to.

[*Heading as in last preceding Form.*]

TAKE NOTICE that the acceptance of the agreement in the above-mentioned matter is objected to by of a party affected on the following grounds :—

[*Here state grounds.*]

Dated this day of

Registrar.

To

FORM 26.

Notice to Appear before the Board.

[*Heading as in last preceding Form.*]

TAKE NOTICE that you are summoned to appear before the Board on the day of at the hour of o'clock in the noon at the premises of the Board at upon an inquiry by the Board as to the circumstances attendant upon the making of the above-mentioned agreement, and as to such other matters as the Board may think fit to inquire into.

You are required to bring with you and produce to the Board—

Dated this day of

Registrar.

To

FORM 27.

Notice of Further Time Prescribed.

[*Heading as in last preceding Form.*]

TAKE NOTICE that the Board has prescribed further time within which the agreement filed herein shall be deemed to have been accepted unless the Board within such further time notifies the worker and employer of the non-acceptance of such agreement.

Such further time will expire on the day of

Registrar.

To

FORM 28.

Notice of Non-Acceptance of Agreement.

[*Heading as in last preceding Form.*]

TAKE NOTICE that the Board has refused to accept the agreement herein and hereby notifies you of the non-acceptance thereof.

Dated this day of

Registrar.

To

FORM 29.

Application for Summons of Medical Referee as Assessor.

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

[*Heading as in Application for a Determination.*]

The applicant [*or* respondent] applies to the Board to summon a medical referee to sit with it as an assessor, on the ground that questions are likely to arise in the application 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 Board should have the assistance of a medical referee in the determination of such questions.

Dated this day of

(Signed) A.B.

Applicant.

or

Solicitor or Agent for the Applicant.

To the Registrar

FORM 30.

Notice of Refusal to summon Medical Referee as Assessor.

[*Heading as in Application for a Determination.*]

I hereby give you notice that the Board in this case has directed me to inform you that your application for a medical referee to be summoned to sit with the Board as an assessor is refused, the Board being of opinion that the summoning of a medical referee is unnecessary.

Dated this day of

Registrar.

To

[*the applicant for an assessor*].

FORM 31.

Summons to Medical Referee to sit as Assessor.

[*Title as in Application for a Determination.*]

Sir,

You are hereby summoned to attend and sit with the Board herein as an assessor at the premises of the Board situate at on the day at the hour of in the noon.

I am, sir,

Your faithfully,

Registrar.

To

of

FORM 32.

Application for Reference to Medical Referee.

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

In the matter of the Workers' Compensation Acts.

In the matter of a claim for compensation made by A. B
of , against C.D. & Co. Limited,
of

[*Or, where an application for a determination is pending.*]

In the matter of an application for a determination between A.B.
of [*address*]
[*description*] Applicant,
against
C.D. & Co. Limited,
of [*address*]
[*description*] Respondents.

Or, where application is made after weekly payment has been settled.]

In the matter of an agreement [*or* a decision, *or* award] as to the weekly payment payable to A.B., , of , by C.D. & Co., Limited, , of .

Application is hereby made on behalf of the above-named A.B. and C.D. and Co. Limited, for a reference in the above-mentioned matter to a medical referee under the following circumstances :—

1. On , the day of , notice was given by 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 Acts.

[*Or where an application for a determination is pending.*]

1. An application for a determination under the said Act is pending between the above-mentioned A.B. and the above-mentioned C.D. & Co. Limited as to the amount of compensation payable to the said A.B. under the said Act in respect of personal injury caused to him by accident arising out of and in the course of his employment.

[*Or where weekly payment has been settled.*]

1. Under an agreement [*or* a decision, *or* award] in the above-mentioned matter, dated 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 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. and 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].

FORM 32—*continued.*

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 the 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 or Agent.]

C.D. & Co. Limited,

By Secretary.

[*Or* Solicitor or Agent for C.D. & Co. Limited.]

To the Registrar

FORM 33.

Order of Reference.

[*Heading as in Application.*]

On the application of A.B of and C.D. & Co. Limited of (a copy of which is hereto annexed) the Board hereby appoints Mr. of , one of the medical referees appointed by the Governor in Council for the purposes of the Workers' Compensation Acts to examine the said [*name of worker*] and to give his certificate as to the condition of the said and his fitness for employment, specifying if necessary the kind of employment for which he is fit [*or* his certificate whether [*or* to what extent] the incapacity of the said is due to the accident] [*or* his certificate as to the condition of the said and his fitness for employment, specifying if necessary the kind of employment for which he is fit, and as to whether [*or* to what extent] the incapacity of the said is due to the accident].

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

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

The Registrar is 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 by registered post to the Registrar of the Board at on or before the day of

Dated this day of

Registrar.

FORM 34.

Order to Injured Worker to submit himself for examination by Medical Referee.

[Heading as in Application.]

To A.B. of *ddress and description]*

TAKE NOTICE that the Board has appointed Mr. of one of the medical referees appointed by the Governor in Council for the purposes of the Workers' Compensation Acts 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 worker is in a fit condition to travel,* and to attend for that purpose at such time and place as may be fixed by him].

If you refuse to submit yourself for such examination or in any way obstruct the same your right to compensation and to take or prosecute any proceeding in relation to compensation (or your right to any weekly payment) shall be suspended until such examination has taken place.

Dated this day of

Registrar.

FORM 35.

Notice to Parties of Certificate of Medical Referee.

[Heading as in Application.]

TAKE NOTICE that I have received the certificate of the medical referee appointed in this matter, and that you may inspect the same during office hours at my office situate at and may on request, and at your own cost, be furnished with or take a copy thereof.

Dated this day of

To Registrar.
and

FORM 36.

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.

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

In the matter of the Workers' Compensation Acts.

In the matter of a claim for compensation made by A.B.
of against C.D. & Co. Limited,
of

[or where an application for a determination is pending].

In the matter of an application for a determination by
A.B.
of [*address*]
[*description*] Applicant

against

C.D. & Co. Limited,
of [*address*]
[*description*] Respondents.

[or, where application is made after weekly payment has been settled].

FORM 36—*continued.*

In the matter of an agreement [*or* a decision *or* an award] dated the day of as to the weekly payment payable to A.B., of by C.D. & Co. Limited, of

TAKE NOTICE that application will be made to the Board at on the day of at the hour of in the noon or so soon thereafter as the parties can be heard (on behalf of of) 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 [*or* by the said] in accordance with the provisions of the Acts [*or* that you obstruct the medical examination required by me [*or* the above-named] in accordance with such provisions [*or* on the ground that you refuse to submit yourself for examination by a medical referee as ordered [*or* that you obstruct the examination by a medical referee] and for consequential directions.

Dated this day of

To A.B., of (Signed)
and to *M*
his Solicitor or Agent. [*Or*

Solicitor or Agent for C.D. & Co. Limited.

FORM 37.

Præcipe for Payment in.

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

At

In the matter of the Workers' Compensation Acts.
and
In the matter of an application for a determination by

A.B.,
of &c., Applicant,
against
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 as the case may be*].

TAKE NOTICE that C.D. & Co. Limited of [*or* M , solicitor or agent for C.D. & Co. Limited of], doth pay into the custody of the Board the sum of [*state sum in letters*] being the sum awarded [*or* agreed *or* directed] to be paid by the said C.D. & Co. Limited as compensation in the above-mentioned matter.

Dated this day of

(Signed) C.D. & Co. Limited
by
Secretary.

[*Or*

Solicitor or Agent for C.D. & Co. Limited.]

To the Registrar

FORM 38.

Notice by Registrar of Payment in

Where amount payable has been ascertained by agreement or determined or is the maximum statutory amount and payment in is made

[*Heading as in Præcipe for Payment in.*]

TAKE NOTICE that the sum of has been paid into the Custody of the Board as compensation in the above-mentioned matter.

Any person interested in the said sum may apply to the Board for an order for the investment and application of the said sum for the benefit of the persons entitled thereto in accordance with the provisions of the Workers' Compensation Acts and the Rules made under the said Acts.

Dated this day of

Registrar.

To

Hours of attendance, &c.

FORM 39.

Application for Investment or Application of Money paid into the Custody of the Board.

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

(1) *Application for Investment and Application of the Sum Paid in*

[*Heading as in Præcipe for Payment in.*]

TAKE NOTICE that I [*name and address of applicant*] intend to apply to the Board at on the day of , at the hour of in the noon or so soon thereafter as the parties can be heard, 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 in 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 worker, 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 Board in its discretion thinks fit and for consequential directions.

Dated this day of

(Signed)

To the Registrar and [*to any other parties interested where the application is made on behalf of some only of the parties interested*].

---

2. *Application for Investment and Application of the Amount allotted to any person.*

[*Heading as in Præcipe for Payment in.*]

TAKE NOTICE that I [*name and address of applicant*] intend to apply to the Board at on the day of , at the hour of in the noon or so soon thereafter as the parties can be heard, on behalf of myself [*or* of] for an order for the investment and application of the sum paid in in the above-mentioned matter and allotted to me [*or* to the said]

FORM 39—*continued.*

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 Board thinks fit for my benefit [*or* for the benefit of the said] and for consequential directions.

Dated this day of

(Signed)

To the Registrar.

FORM 40.

Application for Order for Payment into the Custody of the Board of Weekly Payment payable to person under Disability.

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

[*Heading as Award, or Agreement*].

TAKE NOTICE that I [*name and address of applicant*] intend to apply to the Board at on the day of at the hour of in the noon or so soon thereafter as the parties can be heard, 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 the Custody of the Board, and for consequential directions.

Dated this day of

(Signed)

To the Registrar
and [*to the parties interested*].

FORM 41.

Application for Variation of Order under Second Schedule, paragraph (9).

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

[*Heading as in Award, or Agreement.*]

TAKE NOTICE that I [*name and address of applicant*] intend to apply to the Board on the day of at the hour of in the noon or so soon thereafter as the parties can be heard, for an order that the order [*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 manner in which the sum payable to a dependant of A.B. deceased, should be invested, applied, or otherwise dealt with] may be varied by directing [*here state variation claimed by applicant*] and for consequential directions.

And further take notice that the circumstances in which this application is made are [*state particulars*].

Dated this day of

(Signed)

Applicant.

To the Registrar
and to [*all persons interested*]

[*Or*

Applicant's Solicitor or Agent.]

FORM 42.

Application by Worker intending to cease to reside in Victoria for Reference to Medical Referee).

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

In the matter of the Workers' Compensation Acts.

and

In the matter of an agreement [*or* a decision *or* an award] dated the day of as to the weekly payment payable to of by , of

TAKE NOTICE that A.B. of , to whom under an agreement [*or* a decision *or* an award] in the above-mentioned matter, a weekly payment of is payable by the above-mentioned . as compensation for personal injury caused to the said , intends to cease to reside in Victoria ;

And that the said A.B. intends to apply to the Board at , on , the day of , at the hour of in the noon or so soon thereafter as the parties can be heard, 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 or Agent.]

To the Registrar

and to [*the employer*].

FORM 43.

Order of Reference.

[*Heading as in Application Form.*]

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 Governor in Council for the purposes of the Workers' Compensation Acts, to examine the said [*name of worker*] and to give his certificate as to whether the incapacity of the said [*name of worker*] 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 by the parties are also hereto annexed].

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

The Registrar is 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 by registered post to the Registrar of the Board 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

FORM 44.

[To be printed on thick blue foolscap.]

Certificate of Identity.

[To be carefully preserved.]

NOTICE.—This Certificate is no security whatever for a debt.

No. of Certificate.

(a)

[Heading as in Award, or as in Application to file Agreement.]

THIS IS TO CERTIFY that A.B. formerly of *[address and description]* is entitled to a weekly payment of from *[name and address of employer]* as compensation payable to the said A.B. in respect of personal injury caused to him by accident arising out of and in the course of his employment, such weekly payment to continue during the total or partial incapacity of the said A.B. for work; and that the description of the said A.B. and his incapacity for work, as certified by the medical referee appointed in this matter, are as follows :—

Age
Height
Hair Eyes
Nature of incapacity

[Describe nature of incapacity, as in certificate of medical referee.]

Dated this day of

Registrar

(a) Here fill in name of place in which proceedings were commenced or to which they have been transferred.

FORM 45.

Notice to be given to Worker intending to cease to reside in Victoria.

[Heading as in Award, Agreement or Certificate.]

TAKE NOTICE that if you desire to obtain payment of the weekly payments payable to you under the award made in your favour against and dated (or the agreement made between you and dated) (or made on the day of) while you are residing out of Victoria, 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 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 and his declarations, together with a request for transmission to you of the amount of the weekly payment 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.

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.

FORM 45—*continued.*

2. Any British ambassador, envoy, minister, chargé d'affaires, or secretary of embassy or legation, exercising his functions in any foreign place in which you reside, or any British consul-general, consul, vice consul, acting-consul, pro-consul, or consular agent exercising his functions in any foreign place in which you reside. In the event of your death while residing out of Victoria, 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.

Dated this day of

Registrar

To A.B.

of [*address and description*].

FORM 46.

Form of Medical Certificate to be obtained by Worker residing out of Victoria.

[*Heading as in last preceding Form.*]

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.*]

FORM 47.

Declaration of Identity by Worker Residing out of Victoria.

[*Heading as in last preceding Form.*]

I, A.B. of hereby declare that I am the same person as A.B. formerly of described in the copy of the certificate of the medical referee in the above-mentioned matter dated the day of now produced by me, and in the certificate of identity, dated the day of now produced by me, and the same person as A.B. formerly of described in the certificate of declared by the said in my presence on the day of and now produced by me

(Signed)

A.B.

Declared at this day of the certificates above mentioned being at the same time produced.

Before me—

[*Signature and description of person before whom the declaration is made*]

FORM 48.

Request for Transmission of Amount of Weekly Payments by Worker residing out of Victoria.

[*Heading as in Award, Agreement, or Certificate.*]

Sir,—

I enclose herewith 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*]

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 faithfully,
A.B.

[*To be signed by the Worker in his own handwriting.*]

To the Registrar

[*add address of Registrar's office.*]

FORM 49.

Notice by Registrar to Employer of Receipt of Medical Certificate and Declaration of Identity.

[*Heading as in Award, Agreement, 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 [*or* agreement] from [*the date to which they were last paid*] to [*13 weeks from that date*] to me, to be by me remitted to the said A.B.

Dated this day of

Registrar.

To [*name and address of employer.*]

FORM 50.

Notice of Application for Determination and Award of Amount of Costs.

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

[*Heading as in Award or Agreement.*]

TAKE NOTICE that I intend to apply to the Board at on the day at the hour of o'clock in the noon or so soon thereafter as the parties can be heard, 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 recover such costs from you and/or to a lien in respect thereof on and/or to deduct such amount from the sum awarded as compensation to you the said A.B in the above-mentioned matter and for consequential directions.

Dated this day of

Applicant.

To the Registrar
and to
A.B.
of

FORM 51.

Certificate for Judgment.

Workers' Compensation Acts.

CERTIFICATE UNDER SECTION 11 OF ACT 4524.

Title.	Form or Nature of Proceedings.	Name and Address of Person in whose Favour Award has been made.	Name and Address of Person against whom Award made.	Date of Award.	Abstract of Award.

I certify that this Certificate correctly sets forth the particulars of an award, of the Workers' Compensation Board made on the day, of 19 .

Dated this day of 19 .

Registrar,
Workers' Compensation Board.

Form 52.

Workers' Compensation Acts.

APPLICATION FOR CERTIFICATE TO SCHEME.

Full name and address of employer—

Nature of employment—

Situation of works—

This application is made by the undersigned employer—

If the scheme includes other employers and their workers a separate application must be made by each employer and provision for administration &c., should be made in the scheme.

The total number of workers in the employment is and at a ballot, taken on , 19 , of such workers voted in favour of the scheme, an abstract of which—with a notification that any worker objecting to the same was at liberty to communicate his views to the Workers' Compensation Board—was posted in a conspicuous position at all the works for a period of at least fourteen days immediately preceding the date of such ballot.

The scheme includes (*or* does not include) other employers and their workers.

Form 52—*continued.*

The following is a comparison of the provisions of the scheme with those of the Act :—

—	Scale of Compensation.	
	By Act.	By Scheme.
Where death results from injury—		
(*a*) If the worker leaves any dependants wholly dependent upon his earnings		
(*b*) If the worker does not leave any such dependants, but leaves any dependants in part dependent upon his earnings		
(*c*) If the worker leaves no dependants		
Where total incapacity for work results from the injury—		
(*a*) Worker with dependants under fourteen years of age		
(*b*) Worker with no dependants		
(*c*) If worker is under 21 years of age and his average weekly earnings are less than 20s.		
(*d*) Where partial incapacity for work results from injury.		

The following are the benefits provided by the scheme other than those of the Act :—

The contribution of the employer to the scheme is to be—

The contribution of the workers to the scheme is to be—

The scheme contains provisions enabling a worker to withdraw from the same, but does not contain any obligation upon the workers to join the scheme as a condition of their hiring.

With this application are sent—

(*a*) two printed copies of the scheme, each stitched in covers and signed by the applicants ;

(*b*) an actuarial report on the scheme by Mr. ;

(*c*) a statutory declaration in Form 53 verifying the result of the ballot. &c. ;

(*d*) a statement showing (1) the views of the general body of the workers as to the scheme, and (2) how such views were ascertained ; and

(*e*) The fee of prescribed by the Rules.

The views of the employer are as follows :—

The views of the workers are as follows :—

Workers.

Employer.

If the employer is a body corporate the seal of the corporation should be affixed and duly witnessed in the space provided for the signature.

Date 19

Form 53.

Workers' Compensation Acts.

This declaration is to be made either by the employer, by the manager of the works, or by some other responsible person.

DECLARATION VERIFYING RESULT OF BALLOT, ETC.

Full name of employer—

I, , of , do solemnly and sincerely declare that a ballot taken on 19 , after fourteen days' notice thereof had been given, out of the total number of workers in the employment of voted in favour of the scheme, application for* , which is attached to this declaration, and that on the date of the said ballot the total number of workers in the said employment was .

*Insert "certificate" or "renewal certificate" to (as the case may be).

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act of the Parliament of Victoria rendering persons making a false declaration punishable for wilful and corrupt perjury.

Signature of declarant.

Declared before me at , in Victoria aforesaid, this day of 19 .

J.P.

Form 54.

Workers' Compensation Acts.

APPLICATION FOR CERTIFICATE TO PARTIAL AMENDMENT OF SCHEME.

Full name and address of employer—

Number of scheme—

Date of certificate to scheme , 19 .

Application for certificate to an amendment of the above scheme is made by the undersigned employer.

With this application are sent—

(a) a printed copy of the scheme as certified, marked to show where the alterations occur and what they are;

(b) two printed copies of the amendment each signed by the applicants;

(c) a statement showing (1) the views of the general body of workers and (2) how such views were ascertained; and

(d) the fee of £ prescribed by the Rules.

If the employer is a body corporate the seal of the corporation should be affixed and duly witnessed in the space provided for the signature.

The views of the general body of workers are as follows:—

Workers.

Employer.

Date . 19

Form 55.

Workers' Compensation Acts.

If the scheme includes other employers and their workers a separate application must be made by each employer, and provision for administration, &c., should be made in the scheme.

APPLICATION FOR RENEWAL OF CERTIFICATE TO SCHEME.

Full name and address of employer—

Nature of employment—

Situation of works—

This application is made by the undersigned employer

Form 55—*continued.*

The total number of workers in the employment is , and the number contracting out under the scheme is .

The scheme includes (*or* does not include) other employers and their workers.

(If any modification of the scheme is now proposed, the following comparative statement should be filled in.)

The following is a comparison of the provisions of the scheme now submitted, with those of the scheme as certified and with those of the Act :—

—	Scale of Compensation.		
	By Act.	By Scheme.	
		As Certified.	Proposed Alterations.
Where death results from injury—			
(*a*) If the worker leaves any dependants wholly dependent upon his earnings			
(*b*) If the worker does not leave any such dependants, but leaves any dependants in part dependent upon his earnings			
(*c*) If the worker leaves no dependants			
Where total incapacity for work results from the injury—			
(*a*) Worker with dependants under fourteen years of age			
(*b*) Worker with no dependants			
(*c*) If the worker is under 21 years of age and his average weekly earnings are less than 20s.			
(*d*) Where partial incapacity for work results from injury			
Benefits other than those of the Act—			
Contributions of employer ..			
Contributions of workmen ..			

With this application are sent—

(*a*) two printed copies of the scheme, each stitched in covers and signed by applicants ;

(*b*) an actuarial report on the working of the scheme during the preceding five years by Mr ;

*(*c*) a statement showing (1) the views of the general body of the workers as to the scheme and (2) how such views were ascertained ; and

(*d*) the fee of † prescribed by the Rules.

* The Board may require a ballot if it thinks fit.
† See Rule 96

The views of the employer are as follows :—

The views of the workers are as follows :—

} Workers.

Employer.

If the employer is a body corporate the seal of the corporation should be affixed and duly witnessed in the space provided for the signature.

Date 19

Form 56.

Workers' Compensation Acts.

FORM OF COMPLAINT OF WORKERS.

Scheme No.

To the Registrar of the Workers' Compensation Board at

Complaint is hereby made by or on behalf of the workers of (the employer under the above-mentioned scheme) :—

1. That the benefits conferred by the scheme no longer conform to the conditions stated in sub-section (1) of section 13 of the above-mentioned Act in the following respects :—

2. That the provisions of the scheme are being violated in the following respects :—

or

3. That the scheme is not being fairly administered in the following respects :—

or

4. That the following reasons exist for revoking the certificate to the scheme :—

We request that the Workers' Compensation Board inquire into this complaint, and, if satisfied that good cause exists for it—unless the cause of complaint be removed—revoke the certificate to the scheme.

The undersigned have been authorized in the following manner to make the complaint on behalf of themselves and the other workers of the said employer :—

} Workers.

Date . 19 .

We, Leonard E. B. Stretton, Allan E. Parkes, and Albert E. Monk, being Members of the Workers' Compensation Board, having pursuant to the authority in that behalf conferred upon us by the Workers' Compensation Acts made the foregoing rules (to which are appended the forms prescribed therein), do hereby certify the same under our hands.

Melbourne, the 15th day of October, 1938.

LEONARD E. B. STRETTON.
ALLAN E. PARKES.
A. E. MONK.

I direct that these Rules be published in the *Government Gazette*.

H. S. BAILEY,
Chief Secretary.

By Authority : H. J. Green, Government Printer, Melbourne.