Revised Regulations of Anguilla: W30-3

WORKMEN'S COMPENSATION ACT (R.S.A. c. W30)

WORKMEN'S COMPENSATION REGULATIONS

Note: These Regulations are enabled under section 51 of the Workmen's Compensation Act, R.S.A. c. W30.

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PART 1

PRELIMINARY

Interpretation

1. In these Regulations—

"Act" means the Workmen's Compensation Act;

"Clerk" means the Clerk of the Court;

"Court" means the Magistrate's Court.

Modification of forms

2. Where the forms in Schedule 1 are not applicable, forms of the like character, with such variations as the circumstances may require, may be used in proceedings under the Act.

PART 2

PROCEDURE ON APPLICATION FOR COMPENSATION

Applications under section 36 of the Act

3. Any application of the nature referred to in section 36 of the Act shall be filed with the Clerk and shall, unless the Court otherwise directs, be made in Form 1 or Form 2 in Schedule 1, as the case may require, and shall be signed by the applicant.

Application by employer under section 38 of the Act

4. (1) Where the employer on whom a claim for compensation has been made desires to make an application under section 38 of the Act, he shall file an application to which the workman or his legal personal representative, if any, and the persons claiming or who may be entitled to claim to be dependants of a deceased workman, or the other persons, as the case may be, on whose behalf the claim was made, shall be respondents.

(2) The application shall have appended or annexed thereto the following particulars—

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

(b) a statement whether the applicant admits his liability to pay compensation, or denies such liability, wholly or partially, with (in the latter case) a statement of the grounds on and extent to which he denies his liability;

(c) a statement of the matters which the applicant desires to have settled by the application; and

(d) the full names and addresses of the respondents and of the applicant, and of his solicitor, if the proceedings are commenced through a solicitor.

Masters, seamen, apprentices

5. In the application of the Act and these Regulations in the case of masters, seamen, and apprentices to the sea service who are workmen within the meaning of the Act, and who are members of the crew of any such ship as in section 34 of the Act mentioned, and to any person not being a master, seaman, or apprentice to the

sea service employed on board any such ship as in section 34 of the Act mentioned, if he is so employed for the purposes of the ship or of any passengers or cargo or mails carried by the ship who are workmen within the meaning of the Act, the following paragraphs shall have effect—

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

(b) the claim for compensation on behalf of dependants of a master, seaman, or apprentice lost with his ship, and the particulars appended or annexed to the application for compensation, shall state the date at which the ship was lost or is deemed to have been lost;

(c) an application for compensation under section 34 of the Act shall be according to Form 3 or Form 4 in Schedule 1 as shall be applicable to the case, with such modifications as the nature of the case shall require;

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

(e) subject to the provisions of section 34(1)(a) of the Act as to service of notice of accident and the claim for compensation, any document, notice, or proceeding to be served on the owners of a ship shall be deemed to be sufficiently served if served on the managing owner, or manager for the time being of the ship or (except where the master is claiming compensation) on the master of the ship; and section 696(1) of the Merchant Shipping Act, 1894, 57 & 58 Vict c. 60, shall apply to service on the master of the ship, and where the master is claiming compensation, and there is no managing owner of the ship, service may be effected in accordance with section 694(1)(c) of that Act.

Notice to respondent

6. The Clerk shall cause to be served on the respondent a copy of the application and shall call upon the respondent within 7 days from the service of the copy of such notice to file a written answer containing a concise statement of the extent and grounds of opposition, if any, to the claim.

Answer by respondent

7. The respondent shall, within 7 days from the service of the copy of such notice or such further time as the Court may allow, file with the Clerk a written answer containing a concise statement of the extent and grounds of opposition, if any, to the claim raised in the application, and any such answer shall form part of the record.

Procedure when indemnity claimed under section 23(2) of the Act

8. Where the respondent claims that, if compensation is recovered against him, he will be entitled under section 23(2) of the Act to be indemnified by a person not being a party to the case (hereinafter referred to as the "third party"), he shall, within 10 days after being served with the copy of the application, file a notice of such claim with the Clerk, and the Clerk shall thereupon cause a copy of the notice of such claim in Form 5 in Schedule 1 to be served upon the third party, and the third party shall file a written answer dealing with the matters raised in the application or with the claim for indemnity or both within 10 days from the service of the copy of the notice thereof or such further time as the Court may allow.

Procedure where claim admitted

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

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

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

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

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

Failure of respondent or third party to file statement

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

Date and place of hearing

11. (1) Where it is necessary to proceed to a hearing, the Court shall fix a date and place for disposing of the application under section 3, 4 or 5, or of the claim for indemnity, if any, under section 8; and shall cause a notice of hearing in Form 6 in Schedule 1 to be served on the different parties calling upon them to produce any evidence which they may wish to tender.

(2) The date of hearing of an application under section 3, 4 or 5 shall be so fixed as to permit not less than 14 clear days to elapse between the service of the application on the respondent and the hearing of the application.

Non-appearance of applicant

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

Absence of respondent or third party

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

Record of proceedings

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

Orders

15. (1) The Magistrate, in making orders, shall record concisely his findings and his reasons for such findings.

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

(3) An order shall be in such one of Form 7, 8 or 9 in Schedule 1, as shall be appropriate to the circumstances of the case, with any necessary variation.

Right of entry for local inspection

16. The Magistrate may at any time enter the place where the workman was injured, or where the workman ordinarily performed his work, for the purpose of making a local inspection or of examining any persons likely to be able to give information relevant to the proceedings, but the Magistrate shall not enter any premises of any industrial establishment except during the ordinary working hours of that establishment, save with the permission of the employer or of some person directly responsible to him for the management of the establishment.

Procedure in connection with local inspection

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

(2) Such notice may be given orally or in writing, and, in the case of an employer may be given to any person upon whom notice of a claim can be served under section 17(2) of the Act or to the representative of any such person.

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

Procedure in connected cases

18. Where 2 or more cases pending before the Magistrate arise out of the same accident, and any issue involved is common to 2 or more such cases, such cases may, so far as the evidence bearing on such issue is concerned, be taken together.

Summoning of witnesses

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

Exemption from payment of fees

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

Filing and service of documents

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

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

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

(a) upon the Crown, by service upon the Head of the Department in which the applicant was employed at the time of the accident, or by leaving it at the office of such Head of Department;

(b) upon an individual, by service upon him personally or by leaving it at his last known place of abode or business;

(c) upon a corporate body, by service on the secretary or by leaving it at the registered office of such corporate body;

(d) upon a club, by service on the secretary or any member of the managing committee; or

(e) upon the master of a ship or a person belonging to a ship, by service on such master or person by leaving the document for such master or person on board the ship with the person being or appearing to be in command or charge of the ship, or where no such person can be found, by affixing a copy of the document to the mast of the ship.

Apportionment of compensation between dependants

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

Application for detention of ship

23. (1) An application for the detention of a ship under section 35 of the Act shall be made in accordance with this section.

(2) The application may, subject to the provisions of subsection (8), be made *ex parte* either in or out of High Court, according to Form 10 in Schedule 1, and shall be supported by affidavit or other evidence showing, to the satisfaction of the Judge, the grounds on which the application is made.

(3) The Judge may, before granting the application, require the applicant to give or procure an undertaking in Form 11 in Schedule 1 or such other form as the Judge may require, to the satisfaction of the Judge, to abide by any order as to damages and costs which may be thereafter made, in case any person affected by the order for detention shall sustain any damages by reason of the order which the applicant ought to pay.

(4) An order for detention shall specify the amount for which security shall be given, and shall be according to Form 12 in Schedule 1, and shall be issued in triplicate; 1 copy shall be delivered to the applicant, and the other 2 copies to the officer named by the Judge; and 1 of such last-mentioned copies shall be delivered by the officer to the person who is at the time of execution of the order apparently in charge of the ship, or shall be nailed or affixed on the main mast or on the single mast of the ship; and the other copy shall be retained by the officer.

(5) The Judge may at any time on good cause shown rescind any order for detention made by him.

(6) The provisions of the Rules of the High Court as to security shall, with the necessary modifications, apply to the giving of security; and the approval by the Judge of any security shall be signified in writing signed by him. Where security is given by bond, such bond shall be according to Form 13 in Schedule 1.

(7) If the Judge rescinds any order for detention, or is satisfied that satisfaction has been made, or when security has been given and approved, or in any other case if the applicant so requires, the Judge shall deliver to the party applying for the same an order according to Form 14 in Schedule 1, directed to the officer named in the order for detention, authorising and directing him, upon payment of all costs, charges, and expenses attending the custody of the ship, to release it forthwith.

(8) With respect to notices of applications for orders for detention, and to undertakings to give security, the following provisions shall have effect—

(a) notwithstanding anything contained in this section, a person intending to apply for an order for detention shall, if the name and address of an agent in Anguilla for the owner of the ship, or of a solicitor in Anguilla authorised to act for the owners, agent, master, or consignee of the ship, are known to him, give to such agent or solicitor by post or otherwise, such notice of the time

and place at which the application for an order for detention is intended to be made as may be practicable in the circumstances of the case;

(b) if a solicitor in Anguilla represents that he is authorised to act for the owners, agent, master, or consignee of the ship, and signs an undertaking according to Form 15 in Schedule 1 to put in or give security for an amount agreed on between the parties or fixed by the Judge, then, on such undertaking being filed in the High Court, the Judge may, in his discretion refuse to make an order for detention, or if an order for detention has been made, but not executed, the Judge may rescind it, or if an order for detention has been made and executed, the Judge may deliver to the party applying for the same an order of release in accordance with subsection (7);

(c) an undertaking given in accordance with this subsection shall be filed in the High Court;

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

(9) Where proceedings for the recovery of compensation are taken against the persons giving security, the application for compensation and particulars shall state concisely the circumstances under which the persons giving security are made respondents. The application shall be in Form 16 in Schedule 1.

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

(11) This section shall apply to claims against charterers under section 35(5) of the Act, "charterers" being substituted for "owners" in these cases.

PART 3

PROCEDURE WITH REGARD TO AGREEMENT

Form of memorandum of agreement

24. (1) A memorandum of agreement sent to the Court under section 22(1) of the Act shall, unless the Court otherwise directs, be in duplicate, and shall be in as close conformity as the circumstances of the case permit with Forms 17 or 18 in Schedule 1, as the case may require.

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

Application to have agreement made a judgment of the Court

25. Where an application is made to have an agreement made a judgment of the Court, a memorandum thereof shall be sent by any interested party to the Clerk who shall, on being satisfied as to its genuineness, record such memorandum in a special register to be kept for that purpose, but no such memorandum shall be recorded before 14 days after the despatch by the Clerk, by registered post, of a notice in Form 19 in Schedule 1 to the parties interested.

Registration of memorandum accepted for record

26. In recording a memorandum of agreement, the Magistrate shall cause the same to be entered in the special register, and shall cause an endorsement to be made under his signature on a copy of the memorandum to be filed in the following terms, namely—

"This memorandum of agreement bearing Serial No. …… of 20…..…… in the register of agreements has been recorded this ……. day of …… .

(Signature) …….

Magistrate".

PART 4

REVIEW ON REDEMPTION OF WEEKLY PAYMENTS

When application may be made without medical certificate

27. Any application for review of a weekly payment under section 13 of the Act shall be in Form 20 in Schedule 1 and may be made without a medical certificate—

(a) by the employer, on the ground that since the right to compensation was determined the workman's wages have increased;

(b) by the workman, on the ground that since the right to compensation was determined his wages have diminished;

(c) by the workman, on the ground that the employer, having commenced to pay compensation, has ceased to pay the same notwithstanding the fact that there has been no change in the workman's condition such as to warrant such cessation;

(d) by the workman, on the ground that he has ceased, since the right to compensation was determined, to be a minor; or

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

Procedure on application for review

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

Procedure on application for redemption

29. (1) Any application for redemption of a right to receive weekly payments by the payment of a lump sum shall be in Form 20 in Schedule 1.

(2) Where application is made to the Court under section 13(2) of the Act for the redemption of a right to receive weekly payments by the payment of a lump sum, the Court shall form an estimate of the probable duration of the disablement, and shall award a sum equivalent to the total of the weekly payments which would be payable for the period during which he estimates that the disablement will continue, less ½% of that total for each month comprised in that period.

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

Application for order when workman under disability

30. An application under section 15(6) of the Act for an order that a weekly payment payable to a workman under any legal disability shall during the disability be paid to any dependant or other person may be made either by the person liable to make such payment or by or on behalf of the workman entitled to such payment. The application shall be made in Form 21 in Schedule 1 and shall be served on every interested party.

Application for variation of order

31. An application for the variation of an order of the Court under section 15(7) of the Act may be made by or on behalf of any person interested. The application shall be made in Form 22 in Schedule 1 stating the circumstances under which the application is made and the relief or order which the applicant claims, and shall be served on every other interested party.

PART 5

DEPOSIT OF COMPENSATION

Deposit of compensation generally

32. Compensation shall be deposited with the Clerk—

(a) under an order of the Court directing a specific sum to be paid in as compensation;

(b) under an agreement between an employer or other person liable to pay compensation and a workman or the dependants of a workman according to the tenor thereof; or

(c) pursuant to a claim for compensation or to an application for compensation, against an employer or other person liable to pay the same who admits liability, or denies liability but is willing to pay an amount in settlement of the claim.

Deposit under section 15(1) of the Act

33. (1) An employer depositing compensation under section 15(1) of the Act shall furnish therewith a statement in Form 23 in Schedule 1.

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

(3) Any dependant, whether notice under section 15(5) of the Act has been published or not, may apply to the Magistrate for the payment out or distribution of any sum so deposited.

(4) The statement of disbursements to be furnished on application by the employer under section 15(5) of the Act shall be in Form 24 in Schedule 1.

Deposits

34. An employer depositing compensation in accordance with section 15(2) or (3) of the Act shall furnish therewith a statement in Form 25 in Schedule 1.

PART 6

MEDICAL REFEREES

References by Court to medical referee for report under section 37(2) of the Act

35. (1) Before making any reference to a medical referee under section 37(2) of the Act, the Court shall be satisfied, after hearing all the medical evidence tendered by either side, that such evidence is either conflicting or insufficient on some matter which seems material to a question arising in the proceedings, and that it is desirable to obtain a report from the medical referee on such matter.

(2) Every such reference shall be made in writing and shall state the matter on which the report of the medical referee is required, and the question arising in the proceedings to which such matter seems to be material. Such reference shall be in accordance with Form 26 in Schedule 1 or as near thereto as may be.

(3) The reference shall be accompanied by a general statement of the medical evidence given on behalf of the parties.

(4) On making a reference to the medical referee, the Court shall make an order in Form 27 in Schedule 1 directing the workman to submit himself for examination by the medical referee and the medical referee shall on receipt of the reference appoint a time and place for the examination of the workman and send him notice accordingly.

(5) Before making an order as required by subsection (4), the Court shall inquire whether the workman is in a fit condition to travel for the purpose of the examination, and if the Court is satisfied that he is in a fit condition it shall by the same order direct him to attend at such time and place as the medical referee may fix and it shall be the duty of the workman to obey any such order.

(6) If the Court is satisfied that the workman is not in a fit condition to travel this fact shall be stated in the reference.

(7) The medical referee shall give his report in writing and shall forward it to the Magistrate.

Reference to a medical referee under section 48(2) of the Act

36. (1) Where the Magistrate refers a matter to a medical referee under section 48(2) of the Act, he shall issue a reference to the medical referee in Form 28 in Schedule 1 and the medical referee shall forthwith on receipt of such reference fix a time and place for the examination of the workman and shall send notice accordingly to the workman and the employer.

(2) Before giving the certificate required by the reference, the medical referee shall personally examine the workman and shall consider any statement that may be made or submitted by either party.

(3) The certificate given by the medical referee shall be according to Form 29 in Schedule 1 and shall be forwarded by him to the Magistrate from whom he received his reference.

References to medical referee to be signed

37. Every reference to a medical referee under section 35 or 36 shall be signed by the Magistrate.

Notices to be issued by medical referee

38. The notice to be issued by a medical referee to—

(a) a workman as required by section 35(4);

(b) a workman as required by section 36(1); and

(c) an employer as required by section 36(1);

shall be in Forms 30, 31 and 32 respectively in Schedule 1.

Remuneration and expenses of medical referee

39. The remuneration of and other expenses incurred by a medical referee which are required to be paid under section 47(3) of the Act shall be as set out in Part 1 of Schedule 2.

PART 7

SUPPLEMENTAL PROVISIONS

Statement of wages to be furnished by employer

40. Where any proceeding is taken or is about to be taken for the determination of any question arising out of an accident in which compensation is or might be claimed, the employer shall, if required by the workman, furnish the workman, within 7 days from the date of requisition, with a statement showing—

(a) the total wages which have fallen due for payment to the workman by the employer in the last 12 months, where the workman has been employed during the continuous period of not less than 12 months immediately preceding the accident; or

(b) the total wages earned in respect of the last continuous period of service, where that service is of less than 12 months duration immediately preceding the accident.

Form of application and certificate of registration under section 27(1) of the Act

41. The form of application for registration required by section 27(1) of the Act for employers to whom section 25 of the Act applies shall be according to the Form in Part 2 of Schedule 2 and the form of certificate of registration shall be according to the form in Part 3 of Schedule 2.

Solicitors' costs and allowances to parties and witnesses

42. (1) Any costs of or incident to any proceedings for the determination of any question arising out of an accident to a workman shall be awarded in accordance with the scale of costs for solicitors and allowances for parties and witnesses in Part 4 of Schedule 2.

(2) The fees allowable under the scale of costs shall include and cover all costs whatsoever incident to the proceedings, except fees of Court and necessary disbursements.

Medical practitioners' fees

43. The fees required to be paid under section 6(2)(a) of the Act to a medical practitioner who renders emergency treatment to an injured workman shall be as specified in Part 5 in Schedule 2.

Court fees

44. The fees of Court specified in Part 6 in Schedule 2 shall be paid in respect of proceedings brought under the Act.

Citation

45. These Regulations may be cited as the Workmen's Compensation Regulations, Revised Regulations of Anguilla W30-3.

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SCHEDULE 1

FORMS

FORM 1

(Section 3)

APPLICATION FOR COMPENSATION BY WORKMAN

Anguilla

In the Magistrate's Court

In the Matter of the Workmen's Compensation Act
and
In the Matter of an Application by a Workman for Compensation

Between

A.B. Applicant

and

C.D. Respondent

The applicant, a workman employed by …….. (a contractor with) the respondent, sustained personal injury by accident arising out of and in the course of his employment on the …… day of …….., 20……. in Anguilla and applies herein for the determination of the questions hereinafter stated under the provisions of the Workmen's Compensation Act.

PARTICULARS

1. Place of business and nature of business of respondent.

2. Nature of employment of workman at time of accident, and whether employed under opposite party 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).

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

4. Nature of injury.

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

6. Monthly wages during the 12 months previous to the injury, if applicant has been so long employed under the employer by whom he was immediately employed or, if not, during any lesser period during which he has been so employed.

7. Monthly amount which the applicant is earning or is able to earn in some suitable employment or business after the accident.

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

9. Amount claimed as compensation.

10. Date of service of statutory notice of accident on employer, and whether given before workman voluntarily left the employment in which he was injured. (A copy of the notice to be annexed.)

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

12. Date of claim for compensation.

Questions for the determination of the Court—

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

(b) whether the accident arose out of and in the course of the workman's employment;

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

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

(e) ……..……. (as required).

Dated this ….……. day of ……..……..., 20……

……..……
Applicant

NOTICE

To …….……. of …….…….

You are hereby required, if you intend to oppose the above application, to lodge with me the undersigned Clerk within 7 days after the service of this notice upon you (or within such extended period as the Magistrate may allow) a written answer to the application containing a concise statement of the extent and grounds of your opposition thereto.

The above application will be heard at the Magistrate's Court, at ……...…… on …… the ……. day of ……., 20…….. at …… o'clock in the …….. noon and you are hereby notified that if you fail to lodge such answer within the time herein prescribed, or to appear at the time and place herein stated for the hearing of the application, such order may be made against you as may be just and expedient.

……..……
Clerk

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FORM 2

(Section 3)

APPLICATION FOR COMPENSATION BY DEPENDANTS

Anguilla

In the Magistrate's Court

In the Matter of the Workmen's Compensation Act
and
In the Matter of an Application for Compensation by Dependants

Between

A.B. Applicant

and

C.D. Respondent

The applicant is the legal personal representative (or the dependant) of a workman employed by (a contractor with) the respondent who sustained personal injury by accident arising out of and in the course of his employment on the …… day of …….., 20……. at ...…… in Anguilla resulting in his death, and applies herein for the determination of the questions hereinafter stated under the provisions of the Workmen's Compensation Act.

PARTICULARS

1. Name and late address of deceased workman.

2. Place of business and nature of business of employer from whom compensation is claimed.

3. Nature of employment of deceased at the time of accident, and whether employed under the alleged employer or under a contractor with him. (If 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, nature of accident and cause of injury, and age of deceased at time of death.

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

6. Monthly wages during the 12 months previous to the injury, if the applicant has been so long employed under the employer by whom he was immediately employed, or if not, during any lesser period during which he has been so employed.

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

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

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

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

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

12. Date of service of statutory notice of accident on employer and whether given before deceased voluntarily left the employment in which he was injured. (A copy of the notice to be annexed.)

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

14. Date or claim for compensation.

Questions for the determination of the Court—

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

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

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

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

(e) whether the applicant(s) is a/are dependant(s) of the deceased;

(f) how the compensation, when deposited, should be distributed;

(g) ……. (as required).

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

……
Applicant

NOTICE

To …… of ……

You are hereby required, if you intend to oppose the above application, to lodge with me the undersigned Clerk within 7 days after the service of this notice upon you (or within such extended period as the Magistrate may allow) a written answer to the application containing a concise statement of the extent and grounds of your opposition thereto.

The above application will be heard at the Magistrate's Court at …….. on …….. the …….. day of ……, 20…….. at …… o'clock in the …… noon and you are hereby notified that if you fail to lodge such answer within the time herein prescribed, or to appear at the time and place herein stated, for the hearing of the application such order may be made against you as may be just and expedient.

……..……..…..……..
Clerk

———————

FORM 3

(Section 5(c))

APPLICATION FOR COMPENSATION BY AN INJURED MASTER, SEAMAN OR APPRENTICE

Anguilla

In the Magistrate's Court

In the Matter of the Workmen's Compensation Act
and
In the Matter of an Application by an Injured Master, Seaman or Apprentice for Compensation.

Between

A.B. Applicant

and

The owners of the ship "……..…." Respondents

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

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

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

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

(c) as to the amount (or duration) of the compensation payable by the owners of the said ship to the said A. B. …… under the above-mentioned Act in respect of the said injury;

(or as the case may be).

3. An inquiry under the above-mentioned Act is hereby requested between the said A.B. …… and the owners of the said ship for the settlement of the said question (or questions).

4. Particulars are hereto appended (or annexed).

PARTICULARS

1. Name and address of applicant.

2. Name of ship of which applicant was master (or of the crew of which applicant was a member) at the time of accident, and port of registry.

3. Such other particulars as are contained in items 2 to 11 in Form 1 of this Schedule as may be applicable.

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

Of the applicant, ……..……..……..……

Of the solicitor, ……..……..……..

The name and address of the person to be served with this application as representing the owners of the ship is ……. (state name and address of managing owner or manager, or of master of ship. See section 5 (e) of the Regulations).

Dated this …….. day of ……, 20…….

……

Applicant
(or Applicant's Solicitor)

NOTICE

To ……..…… of ……..……..

You are hereby required, if you intend to oppose the above application, to lodge with me the undersigned Clerk within 7 days after the service of this notice upon you (or within such extended period as the Magistrate may allow) a written answer to the application containing a concise statement of the extent and grounds of your opposition thereto.

The above application will be heard at the Magistrate's Court, at ……. on …… day of ……., 20…… at …… o'clock in the …… noon and you are hereby notified that if you fail to lodge such answer within the time herein prescribed, or to appear at the time and place herein stated, for the hearing of the application such order may be made against you as may be just and expedient.

…….
Clerk

———————

FORM 4

(Section 5(c))

APPLICATION FOR COMPENSATION BY OR ON BEHALF OF DEPENDANTS OF DECEASED MASTER, SEAMAN OR APPRENTICE

Anguilla

In the Magistrate's Court

In the Matter of the Workmen's Compensation Act
and
In the Matter of an Application by or on behalf of Dependants of Deceased Master, Seaman or Apprentice

Between

E.F. Applicant

and

The owners of the ship "……."
and G.B. Respondents

(or as the case may be; see section 4 of the Regulations).

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

OR

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

When the said ship left the said port, A.B. ..... late of ..... was the master thereof (or a seaman or an apprentice to the sea service) and a member of the crew of the said ship.

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

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

(*b*) as to the liability of the owners of the said ship to pay compensation under the above-mentioned Act to the dependants of the said A.B. …….. in respect of the injury caused to them by the death of the said A.B. …….. or

(*c*) as to the amount of compensation payable by the owner of the said ship to the dependants of the said A.B. …….. under the above-mentioned Act in respect of the injury caused to them by the death of the said A.B. …….. or

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

(*e*) as to the apportionment and application of the compensation payable by the owners of the said ship to the dependants of the said A.B. …….. in respect of the injury caused to them by the death of the said A.B. ……..; (or as the case may be).

3. An inquiry under the above-mentioned Act is hereby requested between E.F. ……., the legal personal representative of the said A.B. …….. (or between E.F., a dependant of the said A.B. ……..) and the owners of the said ship, and G.B. …….. who claims or may be entitled to claim as a dependant of the said A.B.

4. Particulars are hereto appended (or annexed).

PARTICULARS

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

2. Name of ship of which deceased was master (or of the crew of which deceased was a member) at time of accident or loss of ship, and port of registry.

3. Such other particulars as are contained in items 3 to 13 in Form 2 of this Schedule, as may be applicable.

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

Of the applicant, ……...

Of his solicitor, ……..…

The names and addresses of the respondents to be served with this application are …….. as representing the owners of the ship. (State name and address of managing owner or manager, or of master of ship and G.B.. See section 5 (e) of the Regulations.)

Dated this ……..…….. day of …...……., 20……

……
Applicant
(or Applicant's Solicitor)

NOTICE

To ……..……. of ……..…….……..

You are hereby required, if you intend to oppose the above application, to lodge with me the undersigned Clerk within 7 days after the service of this notice upon you (or within such extended period as the Magistrate may allow) a written answer to the application containing a concise statement of the extent and grounds of your opposition thereto.

The above application will be heard at the Magistrate's Court at …….. on ……..… the ..…….. day of ……..., 20…… at …….. o'clock in the …….. noon and you are hereby notified that if you fail to lodge such answer within the time herein prescribed, or to appear at the time and place herein stated for the hearing of the application such order may be made against you as may be just and expedient.

……
Clerk

———————

FORM 5

(Section 8)

NOTICE OF CLAIM

Anguilla

In the Magistrate's Court

In the Matter of the Workmen's Compensation Act
and
In the Matter of an Application by …… for Compensation

Between

A.B. Applicant

and

C.D. Respondent

Whereas a claim for compensation has been made to the Magistrate by …….. applicant, against …….. and the said ……..…….. has claimed that you are liable under section 23(2) of the Act, to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim, you are hereby informed that you may appear before the Magistrate at …….. o'clock on the …….. day of ……, 20 …….. at …….. and contest the claim for compensation made by the said applicant or the claim for indemnity made by the respondent. In default of your appearance you will be deemed to admit the validity of any award made against the respondent and your liability to indemnify the respondent for any compensation recovered from him.

I hereby require you to file with me, the undersigned Clerk, a written statement dealing with the claim against you in the above application within 10 days after the service thereof on you.

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

Dated this …….. day of ……, 20……

…….
Clerk

———————

FORM 6

(Section 11)

NOTICE OF HEARING

Anguilla

In the Magistrate's Court

In the Matter of the Workmen's Compensation Act
and
In the Matter of an Application by a Workman for Compensation

Between

A.B. Applicant

and

C.D. Respondent

Take notice that the Magistrate will proceed with the hearing of the application in this matter at …….. on the …….. day of ……, 20 ……. at the hour of …….. o'clock in the …….. noon.

Dated this ……..…….. day of ……..…, 20……..

……
Clerk

Notice of Hearing to be sent to Respondent

Take notice that the Magistrate will proceed with the hearing of the application in this matter at …….. on the …….. day of ……, 20……. at the hour of …….. o'clock in the …….. noon, and that if you do not attend at the time and place above-mentioned such order will be made and proceedings taken as the Magistrate may think just and expedient.

Dated this ……. day of ……..……., 20……..

……
Clerk

———————

FORM 7

(Section 15(3))

ORDER

IN CASE OF APPLICATION FOR WEEKLY PAYMENT OF COMPENSATION

Anguilla

In the Magistrate's Court

In the Matter of the Workmen's Compensation Act
and
In the Matter of an Application by a Workman for Compensation

Between

A.B. Applicant

and

C.D. Respondent

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

It is ordered as follows—

1. That the respondent C.D. do pay to the applicant A.B. the weekly sum of $ ……..…..
as compensation for personal injuries caused to the said A.B. on the …….. day of …..……..,
20…… by injury arising out of and in the course of his employment as a workman employed by the said respondent, 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 Act.

2. And that the said C.D. 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 the …….. and …….. days of each month.

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

Dated this ……..…….. day of ..……, 20…….

…….
Magistrate

———————

FORM 8

(Section 15(3))

ORDER

IN THE CASE OF APPLICATION BY DEPENDANTS

Anguilla

In the Magistrate's Court

In the Matter of the Workmen's Compensation Act
and
In the Matter of an Application by Dependants

Between

A.B. Applicant

And

C.D. Respondent

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

It is ordered as follows—

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

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

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

And it is further ordered—

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

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

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

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

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

Dated this ……..…… day of ……..……, 20……

…….
Magistrate

———————

FORM 9

(Section 15(3))

ORDER

IN THE CASE OF APPLICATION BY PERSONS TO WHOM EXPENSES OF MEDICAL ATTENDANCE AND BURIAL ARE DUE

Anguilla

In the Magistrate's Court

In the Matter of the Workmen's Compensation Act
and
In the Matter of an Application by Persons to whom Expenses of Medical Attendance and Burial are Due

Between

A.B. Applicant

and

C.D. Respondent

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

It is ordered as follows—

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

2. And it is declared that the persons hereinafter named are entitled to share in such compensation, that is to say—

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

Dated this ……..…… day of ……..……., 20…….

…….
Magistrate

———————

FORM 10

(Section 23(2))

ORDER

APPLICATION FOR ORDER FOR DETENTION OF SHIP

In the High Court

In the Matter of the Workmen's Compensation Act

The Ship "…….".

Application is hereby made on behalf of …… of …… who alleges that the owners of the ship "……" which has been found in the port of …… (or within the territorial waters of Anguilla), are liable as such owners to pay compensation under the above-mentioned Act, in respect of personal injury by accident arising out of and in the course of his employment caused to …….. of …….. on the …… day of …… in the port (or harbour) of ……, and who claims compensation in respect of such injury, and alleges that none of the owners of the said ship reside in Anguilla for an order directed to an officer of customs or other officer named by the Judge, requiring him to detain the said ship until such time as to the owners, agent, master, or consignee thereof have paid such compensation, or have given security, to be approved by the Judge, to abide the event of any proceedings that may be instituted to recover such compensation, and to pay such compensation and costs as may be awarded thereon, or until the said ship shall be otherwise released by due course of law.

The grounds on which this application is made are set forth in the affidavit of ……. filed herewith (or will be given in evidence on the hearing of the application).

Dated this ……..…… day of ……..……, 20……

……

……

(Name and address of Applicant or Applicant's Solicitor)

FORM 11

(Section 23(3))

UNDERTAKING AS TO DAMAGES

In the High Court

In the Matter of the Workmen's Compensation Act

The Ship "…….".

I, the undersigned ……., of …….., hereby undertake to abide by any order which may hereafter be made as to damages, in case any person affected by the order to be made on my application for the detention of the ship "……." shall sustain any damages by reason of such order which I ought to pay.

Dated this …….. day of ……., 20……

……

……

(Signature and address of Applicant)

To be altered as required if the undertaking is given by any person other than the Applicant)

———————

FORM 12

(Section 23(4))

ORDER FOR DETENTION OF SHIP

In the High Court

In the Matter of the Workmen's Compensation Act

The Ship "……..".

Whereas it is alleged that the owners of the ship "……" are liable as such owners to pay compensation in respect of personal injury by accident arising out of and in the course of his employment caused to …… of …… in the port (or harbour) of ……:

And that the said ship has been found in the port of …… (or within the territorial waters of Anguilla):

And whereas it has been shown to me, on the application of ……. of ……., who claims compensation in respect of such injury, that the owners of the said ship are probably liable as such to pay such compensation, and that none of the owners reside in Anguilla:

(And whereas the said …….. has filed an undertaking to abide by any order which may hereafter be made as to damages, in case any person affected by this order shall sustain any damages by reason of this order which the said …… ought to pay :)

Now I do hereby issue this order directed to you, the Comptroller of Customs (or other officer named by the Judge) at ……. requiring you to detain the said ship until such time as the owners, agent, master, or consignee thereof have paid compensation in respect of the said injury, or have given security in the sum of $ …….., to be approved by the Judge, to abide the event of any proceedings that may be instituted to recover such compensation, and to pay such compensation and costs as may be awarded thereon, or until the said ship shall be otherwise released by due course of law.

Dated this ……..……. day of ……., 20……..…

……

Judge

To the Comptroller of Customs
(or other officer named by the Judge) at
……
.

———————

FORM 13

(Section 23(6))

BOND BY WAY OF SECURITY

In the High Court

In the Matter of the Workmen's Compensation Act

The Ship "……..…".

Whereas it is alleged that the owners of the ship "……." are liable as such owners to pay compensation in respect of personal injury by accident arising out of and in the course of his employment caused to ……. of ……. in the port (or harbour) of ……..:

And whereas the Judge of this Court has issued an order directed to the Comptroller of Customs (or other officer named by the Judge) at …….., requiring him to detain the said ship until such time as the owners, agent, master, or consignee thereof have paid compensation in respect of the said injury, or have given security in the sum of $ ……, to be approved by the Judge, to abide the event of any proceedings that may be instituted to recover such compensation, and to pay such compensation and costs as may be awarded thereon, or until the said ship shall be otherwise released by due course of law:

Now, therefore, we (state names, addresses, and descriptions of sureties) jointly and severally submit ourselves to the jurisdiction of this Court, or of any other competent Court in Anguilla in which any proceedings may be instituted in respect of the said injury, and consent that, if the owners, agent, master, or consignee of the said ship shall not pay all such compensation and costs as may be awarded thereon, execution may issue forthwith against us, our heirs, executors, and administrators, goods and chattels, for a sum not exceeding $ …… .

……
(Signatures of Sureties)

This bail bond was signed by the said …….. and the sureties, the ……. day of ……., 20…… .

Before me,

……..……..
Registrar of the High Court

_____

FORM 14

(Section 23(7))

ORDER OF RELEASE

In the High Court

In the Matter of the Workmen's Compensation Act

The Ship "……..".

You are hereby authorised and directed to release the ship "……..." now under detention by virtue of an order made on the …… day of ……. upon the payment of all costs, charges and expenses attending the custody thereof.

Dated this …… day of ……., 20…….

……

Judge

To the Comptroller of Customs
(or other officer named in the order for detention)
at …….
.

———————

FORM 15

(Section 23(8)(b))

SOLICITOR'S UNDERTAKING TO GIVE SECURITY

In the High Court

In the Matter of the Workmen's Compensation Act

The Ship "……..".

Whereas it is alleged that the owners of the ship "……..." are liable as such owners to pay compensation in respect of personal injury by accident arising out of and in the course of his employment caused to ……..……. of ……..……. in the port (or harbour) of ……..:

Now, therefore, I, ……..… L.M. …….. of …….. solicitor for the owners (agent, master or consignee) of the said ship, hereby undertake within …… days from the date hereof to give security in the sum of $ ……, to be approved by the Judge, to abide the event of any proceedings that may be instituted to recover such compensation, and to pay such compensation and costs as may be awarded thereon.

Dated this ……..…… day of ……., 20…… .

….……

(*Signed*) *L.M.*

FORM 16

(Section 23(9))

APPLICATION FOR COMPENSATION WHERE SECURITY HAS BEEN GIVEN ON BEHALF OF THE OWNERS OF A SHIP UNDER SECTION 35 OF THE ACT

Anguilla

In the Magistrate's Court

In the Matter of the Workmen's Compensation Act
and
In the Matter of an Application for Compensation where Security has been given on behalf of the Owners of a Ship under section 35 of the Act

Between

A.B. Applicant

And

(names and address of persons giving security)

Respondents

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

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

3. A question has (or questions have) arisen (here state the questions, specifying only those which have arisen; *e.g.*)—

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

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

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

4. An inquiry under the above-mentioned Act is hereby requested between the said A.B. ……. and the respondents for the settlement of the said question (or questions).

5. Particulars are hereto appended (or annexed).

PARTICULARS

(Here insert particulars of circumstances under which the application is made and of the relief or order which the applicant claims, adapting the particulars to the circumstances of the case.)

The names and addresses, etc. (as in Form 3).

Note: This Form to be adapted as required to an application for compensation as between the dependants of a deceased workman and the persons giving security.

FORM 17

(Section 24(1))

MEMORANDUM OF AGREEMENT IN CASE OF A NON-FATAL INJURY TO WORKMAN BY ACCIDENT

Anguilla

In the Magistrate's Court

In the Matter of the Workmen's Compensation Act
and
In the Matter of an Agreement

Between

A.B. Applicant

and

C.D. Respondent

1. Be it remembered that on the ……..…… day of …….., 20…….. personal injury was caused at ……. to the above-named, ……. a workman under no legal disability, or a minor of the age of …… years by accident arising out of and in the course of his employment.

2. (Here insert the like particulars as in Form 1.)

3. And that on the …….. day of …….., 20……., the following agreement was come to by and between the said ……. and the said …….. that is to say: (here set out terms of agreement).

4. (If a medical referee has been appointed to report, add)—

A copy of the report of Mr ……, a medical referee appointed to report in the above-mentioned matter, is hereunto annexed.

5. You are hereby requested to record this memorandum, pursuant to section 22 of the above-mentioned Act.

Dated ……

Signature of Employer …….

Witness ……

Signature of Workman ……

Witness ……

Note: An application to record an agreement can be presented under the signature of one party only, if the other party has agreed to the terms.

Both signatures should be appended, whenever possible.

To the Clerk

Magistrate's Court.

———————

FORM 18

(Section 24(1))

MEMORANDUM OF AGREEMENT WHERE DEATH RESULTED FROM THE INJURY TO THE WORKMAN

Anguilla

In the Magistrate's Court

In the Matter of the Workmen's Compensation Act
and
In the Matter of an Agreement

Between

A.B. Applicant

and

C.D. Respondent

1. Be it remembered that on the ……..……. day of ……, 20…… personal injury was caused at ……..……. to …… late of ……. deceased, by accident arising out of and in the course of his employment, and that on the …….. day of ……., 20……, the said …… died as the result of such injury.

2. (Here insert like particulars as in Form 2.)

3. And that on the …….. day of ……, 20……, the following agreement was come to by and between …….. the dependants of the said ……. within the meaning of the above-mentioned Act, and the said …… that is to say: (here set out terms of agreement).

4. (If a medical referee has been appointed to report, add)—

A copy of the report of Mr. …….., a medical referee appointed to report in the above-mentioned matter, is hereunto annexed.

5. You are hereby requested to record this memorandum, pursuant to section 22 of the above-mentioned Act.

Dated……..

Signature of Employer ……..

Witness …….

Signature of Workman …….

Witness …….

Note: An application to record an agreement can be presented under the signature of one party only if the other party has agreed to the terms.

Both signatures should be appended, whenever possible.

To the Clerk

Magistrate's Court

———————

FORM 19

(Section 25)

NOTICE TO PARTIES BEFORE MEMORANDUM OF AGREEMENT IS RECORDED

Anguilla

In the Magistrate's Court

In the Matter of the Workmen's Compensation Act
and
In the Matter of an Application to Record Memorandum of Agreement

Between

A.B. Applicant

and

C.D. Respondent

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

And whereas ……. has/have applied to the Magistrate for registration of the agreement under section 22(3) of the Act, notice is hereby given that the said agreement will be taken into consideration by the Magistrate at ……..….. o'clock on the …….. day of ……, 20……... at ……. and that any objection to the registration of the said agreement should be made on the date and at the place aforesaid. In the absence of valid objections it is the Magistrate's intention to proceed to the registration of the agreement.

Dated this …….. day of ……..……, 20…….

……..……..
Clerk

FORM 20

(Sections 27 and 29)

APPLICATION FOR REVIEW OR REDEMPTION OF WEEKLY PAYMENT

Anguilla

In the Magistrate's Court

In the Matter of the Workmen's Compensation Act
and
In the Matter of an Application for Review or Redemption of Weekly Payment

Between

A.B. Applicant

and

C.D. Respondent

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

Particulars are hereto appended—

PARTICULARS

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

Dated this ……. day of ……., 20……

……
Applicant

To the Magistrate

FORM 21

(Section 30)

APPLICATION FOR ORDER FOR PAYMENT TO DEPENDANT OR OTHER PERSON OF WEEKLY PAYMENT PAYABLE TO PERSON UNDER DISABILITY

Anguilla

In the Magistrate's Court

In the Matter of the Workmen's Compensation Act
and
In the Matter of an Application for Order for Payment to the Dependant or other Person of Weekly Payment Payable to Person under Disability

Between

A.B Applicant

and

C.D. Respondent

Take notice that I (name and address of applicant) ……..……intend to apply to the Magistrate on the ……. day of …….. 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 be paid to (name)…….. a dependant or to any other person best fitted to provide for the welfare of the said (name of workman under disability) ……. and for consequential directions.

Dated this ……. day of ……., 20……

…….
Applicant

To the Clerk
and to (names of all parties interested)

———————

FORM 22

(Section 31)

APPLICATION FOR VARIATION OF ORDER

Anguilla

In the Magistrate's Court

In the Matter of the Workmen's Compensation Act
and
In the Matter of an Application for Variation of Order

Between

A.B. Applicant

and

C.D. Respondent

Take notice that I (name and address of applicant) …… intend to apply to the Magistrate on the …… day of ……..……., for an order that the order of the Magistrate made in the above-mentioned matter on the ……. day of …… as to the distribution of the sum paid as compensation among the dependants of ……..…… deceased (or as to the manner in which the sum payable to a dependant of …….. deceased, should be applied or otherwise dealt with) may be varied by directing (here state variation sought by applicant) …… and for consequential directions.

And further take notice that the circumstances in which this application is made are (state particulars)—

Dated this ……. day of ……., 20……..

…….
Applicant

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

———————

FORM 23

(Section 33)

DEPOSIT OF COMPENSATION FOR FATAL ACCIDENT

Anguilla

In the Magistrate's Court

In the Matter of the Workmen's Compensation Act
and
In the Matter of a Deposit of Compensation for Fatal Accident

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

His monthly wages are estimated at …… . He was over/under 17 years at the time of his death.

The said workman had, prior to the date of his death, received the following payments, namely—

Dated this …….. day of ……., 20…… .

…….
Employer

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

…….
Employer

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

———————

FORM 24

(Section 33(4))

STATEMENT OF DISBURSEMENTS

Anguilla

In the Magistrate's Court

In the Matter of the Workmen's Compensation Act
and
In the Matter of a Statement of Disbursements

Depositor ……..

Amount deposited ……..……..……...

Date ……..……..……

$

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

Dated this ……. day of ……..……., 20……..

……..……
Magistrate

_____

FORM 25

(Section 34)

DEPOSIT OF COMPENSATION FOR NON-FATAL ACCIDENTS

Anguilla

In the Magistrate's Court

In the Matter of the Workmen's Compensation Act
and
In the Matter of a Deposit of Compensation for Non-fatal Accidents

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

Dated this …….. day of ……..……., 20..……

……..……..
Employer

———————

FORM 26

(Section 35(2))

REFERENCE TO MEDICAL REFEREE UNDER SECTION 37(2) OF THE ACT

Anguilla

In the Magistrate's Court

In the Matter of the Workmen's Compensation Act
and
In the Matter of a Reference to a Medical Referee

Between

A.B. Applicant

and

C.D. Respondent

I, …….. Magistrate, having heard the evidence tendered by both parties, hereby certify that in my opinion the medical evidence given before me is conflicting (or insufficient) on a matter which seems to me to be material to a question arising in the above-mentioned application, and that it is desirable to obtain a report from a medical referee on such matter, as follows—

(A) on the …….. day of …….. personal injury was (or is alleged to have been) caused to (1) …… by accident arising out of and in the course of his employment, under the following circumstances—

(2)

OR in the case of an occupational disease to which the Act applies—

(A) On the ……. day of …….. the said (1) ……. was, under section 24 of the Act, certified to be disabled by or suspended from his usual employment on account of his having contracted a disease to which the said section applies, namely—

(3)

(B) the matter on which I am satisfied that it is desirable to obtain a report is—

(C) such matter seems to be material to the following question arising in the application, viz—

I therefore appoint (4) ……..…… one of the medical referees appointed by the Governor for the purposes of the above-named Act to examine the said (1) ……. on the matter specified above, and to report to me.

A statement of the medical evidence given before me is appended.

I am satisfied that the said (1) ……..…… who is now at ……...…….. 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 shall be fixed by the referee; or does not appear to be in a fit condition to travel for the purpose of being examined.

The referee is requested to forward his report to the Magistrate, at ……...…… on or before ……..

Dated this …… day of ……., 20……..

……..……..
Magistrate

A previous reference was made to a medical referee in this case on the ……. day of ……, and a copy of the report thereupon given is attached.

(1) *Insert name of injured workman.*
(2) *Here state the facts of the accident as ascertained from the evidence.*
(3) *Name disease to which the section applies.*
(4) *Here insert name of medical referee.*

FORM 27

(Section 35(4))

ORDER ON INJURED WORKMAN TO SUBMIT HIMSELF FOR EXAMINATION BY MEDICAL REFEREE

Anguilla

In the Magistrate's Court

In the Matter of the Workmen's Compensation Act
and
In the Matter of an Order on Injured Workman to Submit himself for Examination by Medical Referee

To ……. of ……...

TAKE NOTICE that Dr. …… of ……. one of the medical referees under the Workmen's Compensation Act, has been appointed to examine you for the purposes of the above-mentioned matter and to report (or issue his certificate).

You are hereby required to submit yourself for examination by such referee,*and to attend for that purpose at such time and place as may be fixed by him.

Dated this …… day of …….., 20……

……
Magistrate

** Strike out from "and to attend" when injured workman does not appear to be in a fit condition to travel*

FORM 28

(Section 36(1))

ORDER OF REFERENCE TO MEDICAL REFEREE UNDER SECTION 48(2) OF THE ACT

Anguilla

In the Magistrate's Court

In the Matter of the Workmen's Compensation Act
and
In the Matter of a Reference to a Medical Referee

Between

A.B. Applicant

and

C.D. Respondent

On the application of A.B. …… of …….. and C.D. & Co. Limited, of …….. (a copy of which is hereto annexed), I hereby appoint Dr. …….. of ……. one of the medical referees appointed by the Governor for the purposes of the Workmen's Compensation Act, to examine the said ……. and to give his certificate as to the condition of the said ……. and his fitness for employment, stating whether the said ……. has wholly or partially recovered from the injury (or occupational disease) and specifying if necessary the kind of employment for which he is fit [or his certificate whether (or to what extent) the incapacity of the said ……. is due to the accident] [or his certificate as to the condition of the said ……. and his fitness for employment, stating whether the said ……. has wholly or partially recovered from the injury (or occupational disease) and specifying if necessary the kind of employment for which he is fit, and as to whether (or to what extent) the incapacity of the said ……. is due to the accident].

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

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

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

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

The referee is requested to forward his certificate to the Magistrate at the Magistrate's Court, situate at …….. on or before the …… day of ……, 20…….

Dated this …….. day of ……, 20……..

……..
Magistrate

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

FORM 29

(Section 36(3))

CERTIFICATE OF MEDICAL REFEREE UNDER SECTION 48(3) OF THE ACT

Anguilla

In the Magistrate's Court

In the Matter of the Workmen's Compensation Act
and
In the Matter of a Certificate of a Medical Referee

In accordance with the reference made to me on (date of Order of reference) by the Magistrate, upon the application of ……(name and address of party or parties) I have on the …… day of …… examined …….. (name of workman) and I hereby certify that—

1. The condition of the said …… (name of workman) is as follows. (Describe condition of workman, stating whether he has wholly or partially recovered (see footnote) from the injury by accident or occupational disease and stating whether workman is fit for his ordinary or other work, specifying where necessary the kind of work, or whether he is unfit for work of any kind.)

2. The incapacity of the said …….. (name of workman) (state whether the incapacity has ceased or to what extent, if any, the incapacity is due to the accident or occupational disease).

Dated this ……. day of ……., 20……

……
Medical Referee

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

In dealing with the question of recovery, if the referee finds that the workman is no longer physically incapacitated for work as a result of the accident or of the attack of the disease, but that the workman's condition is such that either (a) there is a reasonable probability of the workman becoming again incapacitated through the effects of the accident or through a recrudescence of the attack of the disease, or (b) there is, as a result of the attack, an increased susceptibility to a fresh attack of the disease, the referee should include a statement as to his findings.

If the Order of Reference and the documents which accompanied it show that the decision of the Referee is desired as to the workman's condition or fitness for employment (or as to whether or to what extent his incapacity was due to the accident) at some date previous to the date of the Referee's examination (see section 14 of the Act), the Referee should deal with this point also, so far as he can.

———————

FORM 30

(Section 38)

WORKMEN'S COMPENSATION ACT

NOTICE BY MEDICAL REFEREE TO INJURED WORKMAN UNDER SECTION 37(2) OF THE ACT

Anguilla

In the Magistrate's Court

To ……..

I hereby give you notice that I have been appointed to report on your case under section 37(2) of the above-named Act, and that I propose to examine you at ……... on the …… day of …… at …….. o'clock; and you are required to submit yourself for examination accordingly.

Dated this …….. day of ……., 20……

…….
Medical Referee

———————

FORM 31

(Section 38)

WORKMEN'S COMPENSATION ACT

NOTICE BY MEDICAL REFEREE TO WORKMAN IN CASE OF REFERENCE UNDER SECTION 48(2) OF THE ACT

Anguilla

In the Magistrate's Court

To …….

I hereby give you notice that in accordance with the Reference made to me in your case by the Magistrate, holden at …… under section 48(2) of the above-named Act, I propose to examine you at ……. on the ……. day of ……. at …….. o'clock.
And you are required to submit yourself for examination accordingly. Any statements made or submitted by you will be considered.

Dated this …….. day of ……., 20……

……..
Medical Referee

———————

FORM 32

(Section 38)

WORKMEN'S COMPENSATION ACT

NOTICE BY MEDICAL REFEREE TO EMPLOYER IN CASE OF A REFERENCE UNDER SECTION 48(2) OF THE ACT

Anguilla

In the Magistrate's Court

To …….

I hereby give you notice that in accordance with the Reference made to me by the Magistrate, holden at ……..…..……. under section 48(2) of the above-named Act, in the case of ……..…….. (name and address of workman) I propose to examine the said …… at …….. on the …… day of …… at ……. o'clock.

Any statements made or submitted by you will be considered.

Dated this ……. day of ……, 20……

…….
Medical Referee

———————

SCHEDULE 2

REMUNERATION, EXPENSES, FORMS, COSTS AND FEES

Part 1

(Section 39)

WORKMEN'S COMPENSATION ACT

REMUNERATION AND OTHER EXPENSES OF MEDICAL REFEREE

		$
(a)	For examination of workman, issue of certificate and all other duties performed by a medical referee in relation to a reference under section 37(2) of the Act or section 48 of the Act	10.00
(b)	Where a medical referee has to travel a distance of more than 2 miles from his office or residence to examine a workman pursuant to a reference, a sum equal to the travelling allowances paid by Government to officers in their employment with a minimum sum equivalent to the allowance for travelling 2 miles.	

Part 2

(Section 41)

WORKMEN'S COMPENSATION ACT

FORM OF APPLICATION FOR REGISTRATION BY EMPLOYERS TO WHOM SECTION 25 OF THE ACT APPLIES

1. Name of employer ……
2. Place of business of employer ……..
3. Name of insurance company with which employer is insured ……
4. Type of risks against which employer is insured …….
5. Nature of employments in which workmen are engaged …….
6. Approximate number of workmen employed ……..
7. Total sum assured ……

Part 3

(Section 41)

WORKMEN'S COMPENSATION ACT

CERTIFICATE OF REGISTRATION OF EMPLOYERS TO WHOM SECTION 25 OF THE ACT APPLIES

Name of employer .....

Place of business of employer .....

Nature of employments in which workmen are engaged .....

Number of workmen employed (approximate).....

Type of risks against which employer is insured.....

Name of insurance company with which employer is insured.....

Total sum assured .....

Registration No. .....

Date of Registration ……., 20…….. .

……..

Labour Commissioner

Part 4

(Section 42)

WORKMEN'S COMPENSATION ACT

SOLICITOR'S COST AND ALLOWANCES TO PARTIES AND WITNESSES

				$
1.	Solicitor's fees—			
	(a)	In uncontested claims for compensation		6.00
	(b)	In contested claims for compensation—		
		(i)	Where the sum in dispute does not exceed $100	12.00
		(ii)	Exceeds $100 but does not exceed $400	16.00
		(iii)	Exceeds $400—	
			For the first $400	16.00
			For any succeeding $400 or part thereof	6.00
			(For the purposes of this Part of this Schedule the expression "sum in dispute" means, where costs are awarded to a successful applicant, the sum recovered, and wherever costs are awarded to a successful respondent, the sum claimed.)	
	(c)	Fee on adjourned hearing, if allowed		6.00

(d)	Preparation and registration of Memorandum of Agreement	6.00
(e)	Applications for review or redemption	6.00
(f)	Attendance to file any document with the Clerk	.75
(g)	Appeals from the Magistrate to the Court of Appeal and	
(h)	Special Cases—	
	Such fees as may be allowed within the limits authorised by the Magistrate's Code of Procedure Act.	
(i)	Any matter not provided for in this Part of this Schedule—Such reasonable costs as may be allowed by the Magistrate.	

2. Allowances to parties and witnesses—

(a)	Medical practitioners, planters, merchants, bankers, government officers and professional persons, not exceeding per diem	2.40
(b)	Agricultural labourers, domestic servants, day labourers and the like persons, not exceeding per diem	.80
(c)	Other persons, according to their rank and life, not exceeding per diem	1.50
	And any actual travelling expenses allowed by the Magistrate.	

Part 5

(Section 43)

WORKMEN'S COMPENSATION ACT

MEDICAL PRACTITIONERS' FEES UNDER SECTION 6(2)(a) OF THE ACT

	$
Fee to medical practitioner for rendering emergency treatment to injured workman	5.00

Part 6

(Section 44)

WORKMEN'S COMPENSATION ACT

FEES OF COURT

			$
1.	Applications for compensation—		
(a)	where compensation is claimed in the form of recurring payments—		
	(i)	where the sum does not exceed $250	1.50
	(ii)	(plus) for each additional sum of $250 or fraction thereof	1.50
(b)	where compensation is claimed in the form of a lump sum—		
	(i)	where the sum does not exceed $250	1.50
	(ii)	(plus) for each additional sum of $250 or fraction thereof	1.50

2.	Applications for redemption—		
	(a)	by agreement between the parties	1.50
	(b)	in all other cases	3.00
3.	Applications for the deposit of compensation—		
	(a)	under section 15 (1) of the Act	1.50
	(b)	in all other cases, in respect of each person to whom compensation is payable	1.50
4.	Applications for distribution by dependants, for each dependant		1.50
5.	Applications for review—		
	(a)	where the review claimed is the continuance, increase, decrease, or ending of weekly payments	1.50
	(b)	where the weekly payments are sought to be converted into a lump sum	3.00
	(c)	in all other cases	1.50
6.	Application for the registration of agreements—		
	(a)	where the application or the memorandum of agreement is signed by both parties	.75
	(b)	in all other cases	1.50
7.	Applications to summon witnesses—For every witness		.25
8.	Application for indemnification		3.00
9.	Applications for the recovery of compensation—		
	(a)	under an order already made by the Magistrate	.50
	(b)	in all other cases—the same fee as is payable on a similar application for compensation.	
10.	All applications not otherwise provided for		.50
11.	Answer to any claim		.50
12.	Notice of motion for appeal from Magistrate to the Court of Appeal		3.00
13.	Filing any document not otherwise provided for		.25
14.	Copy of any document furnished by the Clerk—per folio		.04
15.	(a)	For service of any notice or process	.15
	(b)	for service at a greater distance than 2 miles from the Magistrate's Office, for every extra mile or part of a mile in addition to the above fee	.06

Provided that mileage shall be calculated to a place, and not to and from a place.

———————