

## CAYMAN ISLANDS

### THE WORKMEN'S COMPENSATION LAW, 1964.

(NO. 20 of 1964)

### THE WORKMEN'S COMPENSATION REGULATIONS,

1965.

In exercise of the powers conferred upon the Administrator in Executive Council by Section 37 of the Workmen's Compensation Law, 1964, the following Regulations are hereby made.

1 — These Regulations may be cited as the Workmen's Compensation Regulations, 1965, and shall come into effect on a day to be appointed by the Administrator by Government Notice.

Short title  
and com-  
mencement.

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

Interpreta-  
tion.

- (a) "Clerk of the Court" means Clerk of the Grand Court or any person performing the duties of the Clerk;
- (b) "Court" means the Grand Court;
- (c) "Form" means a form in the Schedule to these Regulations;
- (d) "Law" means the Workmen's Compensation Law, 1964, and any Law amending the same;
- (e) "Section" means a Section of the Workmen's Compensation Law, 1964.

## PART I

PROCEDURE ON MAKING APPLICATION FOR  
COMPENSATION.

Applications.  
Forms 1 or 2

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

Joinder of  
"principal"  
and  
"contractor".

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

The legal  
personal  
representa-  
tive or de-  
pendents may  
be applicants.

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

Dependents  
with con-  
flicting  
interests to  
be made  
respondents.

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

(5) In the construction of the last preceding paragraph the term "dependents" shall include persons who claim or may be entitled to claim to be dependents, but as to whose claim to rank as dependents any question arises.

Applications  
to determine  
questions on  
which distri-  
bution of  
compensation  
depends.

(6) In any case in which the amount of compensation payable as the result of the death of a workman has been agreed upon or ascertained, but any question arises as to who are dependents, or as to the amount payable to any dependent, an application for the settlement of such question may be made either by the legal personal representative, if any, of the deceased workman on behalf of the dependents or any of them,

or by such dependents or any of them, against the other dependents, and the persons claiming or who may be entitled to claim to be dependents, but as to whose claim to rank as such a question arises; or the application may be made by the persons claiming to be dependents, but as to whose claim to rank as such a question arises, or any of them, against the legal personal representative, if any, of the deceased workman, and the dependents, and such of the persons claiming or who may be entitled to claim to be dependents as are not applicants.

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

Employer not  
be respondent  
if he pays  
compensation  
agreed on or  
ascertained  
into Court.

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

Application  
for burial  
expenses.

(9) The Court may at any time direct that an infant shall appear either as applicant or respondent in the same manner as if he were of full age.

Infant may be  
given locus  
standi.

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

Procedure  
where indem-  
nity claimed.

Procedure  
where claim  
admitted.

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

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

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

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

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

Failure of  
respondent  
or third  
party to file  
statement.

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

Third party  
procedure  
where em-  
ployer is the  
applicant.

7 — The provisions of Regulations 4 to 6 shall, with the necessary modifications, apply to a case in which an employer is the applicant and claims to be entitled to indemnity against any person not a party to the proceedings.

## PART II.

### THE MEMORANDUM OF AGREEMENT.

Form of  
Memorandum  
Forms 4 or 5.

8 — (1) Memoranda of agreement sent to the Clerk of the Court under Sub-section (4) of Section 17, shall be in as close conformity as the circumstances of the case permit with Form 4 or 5 as the case may be.

(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.

9 — On receipt of a memorandum and the necessary copies thereof the Clerk of the Court shall cause to be served a copy on every party interested together with a notice in Form 6 requesting such party to inform him within seven days from the date of the notice whether the memorandum is genuine, or whether he disputes its genuineness, or whether the recording of the memorandum is objected to and, if so, on what grounds.

Notice to parties interested of memorandum having been received.

10 — If —

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

Where genuineness of memorandum disputed or objection made by employer.

the party so disputing or objecting shall within the time prescribed in Regulation 9 file with the Clerk of the Court, in case of a dispute under paragraph (a), a notice in Form 7 stating the grounds on which the genuineness of the memorandum is disputed or, in case of an objection under paragraph (b), the affidavit stating the grounds on which the recording thereof is objected to.

Notice of  
dispute or  
objection.  
Form 8.

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

Subsequent  
proceedings.

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

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

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

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

Application  
for cancel-  
lation of  
agreement.  
Form 9.

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

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

PART III  
APPLICATION FOR REVIEW OR FOR REDEMPTION  
OF HALF-MONTHLY PAYMENT  
AND  
APPLICATION FOR ORDER WHERE WORKMAN  
UNDER LEGAL DISABILITY OR FOR  
VARIATION OF ORDER.

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

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

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

Procedure on  
application  
for review.

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

Procedure on  
application  
for redemption.  
Form 10.

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

(2) Where application is made to the Court under Section 8 for the redemption of a right to receive half-monthly payments by the payment of a lump sum upon the amount of which the parties are unable to agree, the Court shall form an estimate of the probable further duration of the incapacity, and shall award a sum equivalent to the total of the half-monthly payments which would be payable for the period during which it estimates that the incapacity will continue, less one-half per centum of that total for each month comprised in that period:

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

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

Application  
for order  
where work-  
man under  
legal disabili-  
ty. Form 11.

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

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

**Application  
for variation  
of order.  
Form 12.**

#### PART IV.

#### PAYMENT OF COMPENSATION INTO COURT.

19 — Compensation shall be paid into Court:—

**Payment into  
Court  
generally.**

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

20 — (1) An employer paying compensation into Court under Sub-section (1) of Section 10 shall furnish therewith a statement in Form 13.

**Payment into  
Court under  
Section 10 (1)  
Form 13.**

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

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

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

Publication of  
list of  
payments  
into Court.

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

Procedure  
where no  
compensation  
deposited.

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

Provided that no such application shall be entertained unless the applicant proves by affidavit that such compensation has become payable and that he has requested the employer to deposit the compensation and that the employer has refused or omitted to do so, and such affidavit shall contain the names and addresses of all the total and partial dependents of the deceased.

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

(b) if any dependent to whom such notice has been given fails to appear and to join in the application on the date specified in the notice, he shall not be permitted thereafter to claim that the employer is liable to deposit compensation, unless he satisfies the Court that he was prevent-

ed by any sufficient cause from appearing when the case was called for hearing.

(3) If, after completing the inquiry into the application the Court issues an order requiring the employer to deposit compensation in accordance with Sub-section (1) of Section 10, nothing in paragraph (2) of this Regulation shall be deemed to prohibit the allotment of any part of the sum deposited as compensation to a dependent of the deceased workman who failed to join in the application.

23 — An employer paying compensation into Court in accordance with Sub-section (2) or Sub-section (3) of Section 10 shall furnish therewith a statement in Form 15.

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

24 — Any money paid into Court shall be deposited in a Bank to be approved of by the Administrator in the name of "Grand Court (Workmen's Compensation)" and the account shall be operated in the same manner as and under the Rules and Regulations governing Suitors' moneys; except that a separate ledger, cash book and receipt book shall be used in respect of such accounts.

Money paid into Court shall be deposited in Bank to be approved by Administrator.

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

Right of employer to present memorandum when notice given.

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

#### PART V.

##### MEDICAL EXAMINATION OF WORKMAN.

26 — A workman who is required by Sub-section (1) of Section 14 to submit himself for medical examination shall do so in accordance with the Regulations contained in this part of these Regulations.

Workman to submit to medical examination in accordance with Regulations.

**Examinations  
on premises.**

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

**Examination  
in other  
cases.**

28 — In cases to which Regulation 27 does not apply the employer may, subject to the provisions of Sub-section (3) of Section 14:—

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

Provided that —

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

**Extended  
application of  
two preceding  
Regulations.**

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

**Examination  
after suspen-  
sion of**

30 — If a workman whose right to compensation has been suspended under Sub-section (4) of Section 14 subsequently

offers himself for medical examination, his examination shall take place on the employer's premises or at such other place in the vicinity as may be fixed by the employer and at a time to be fixed by the employer not being, save with the express consent of the workman, more than seventy-two hours after the workman has so offered himself.

right to  
compensation.

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

Medical  
treatment of  
workman.

## PART VI.

### ORDER AND EXECUTION.

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

Payment of  
compensation  
by instal-  
ments.

33 — (1) Where under Regulation 22, the Court has made an order requiring the employer or other person liable to pay compensation in accordance with Sub-section (1) of Section 10, and the employer or such other person fails or neglects to do so, execution may be issued for the recovery of the amount of the compensation in the same manner as execution is issued under the Cayman Islands Administration of Justice Law (Cap. 421) and with the like effect without any further leave of the Court.

Execution  
to enforce  
payment of  
compensation.

(2) Where a party liable to pay compensation into Court under Sub-section (2) of Section 10 has made default in payment of the amount, the party entitled to such compensation may apply to the Court for leave to issue execution against the goods of the party in default.

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

(4) Nothing herein contained shall operate to prevent the Court from directing in its order that execution shall issue for the recovery of the amount of any compensation thereby ordered to be paid, and, if the Court so directs, execution shall issue without any application under Regulation 22 for the deposit of compensation, or under this Regulation for leave to issue execution.

Default to  
make half-  
monthly  
payments.

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

Enforcement  
by judgment  
summons.

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

Proceedings  
against a  
Company or  
Firm.

35 — Where parties liable to pay compensation or costs are a Company or Firm the Rules of the Court in civil proceedings applicable to execution or to a judgment summons against a Company or Firm shall apply.

## PART VII.

### MISCELLANEOUS.

Forms.  
Schedule.

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

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

Proceedings  
and service  
of documents  
where Crown  
a party.

(2) In any such case any proceeding, document or notice to be served on the head of the department, or on the Board or Commissioners, may be served on the head of the department personally or by being left at his office with some person employed therein or, in the case of a Board or Commissioners, on the Secretary of such Board or Commissioners.

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

Copies of  
documents  
filed.

39 — (1) Subject to any particular Regulation, any proceeding, document or notice to be served under the Law or these Regulations may be served:

Service of  
document.

- (a) in the manner provided for the service of a summons under Section 102 of the Cayman Islands Administration of Justice Law (Cap. 421) and any Rules made thereunder; or
- (b) in accordance with any Law, Rule or Regulation specifically providing the mode of service in any particular case.

(2) A Bailiff or Assistant Bailiff of the Court may serve any process or effect any execution required under the Law or by these Regulations, and such service or execution shall be subject to all the Rules and Regulations governing the service or process or execution and of the Tariff of Fees for the time

being in force, save as in the Law or by these Regulations may be specifically provided.

(3) Where proceedings are taken by a workman against the managing committee of a club as an employer, service or notice of any documents or proceedings shall be valid and sufficient if served on or given to a member of such committee or its secretary and on the club premises in such manner as would be valid and sufficient if he were the sole employer.

Applications.

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

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

Masters,  
seamen and  
apprentices.

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

(1) the claim for compensation shall state —

- (a) in the case of a death of a master, seaman or apprentice, the date at which news of the death was received by the claimant;
- (b) in the case of a master, seaman, or apprentice, lost with his ship, the date at which his ship was lost or is deemed to have been lost.

Forms 1 and 2

(2) The application to determine compensation shall be in accordance with Forms 1 and 2 with the necessary modifications, and there shall be added to the particulars therein the name of the ship or vessel on which the deceased workman was employed at the time of the accident, and its port of registry, and if not registered in the Islands, the name of the owner,

or the managing owner, or manager, and his residence or principal place of business if the same is in the Islands.

(3) It shall be sufficient to describe the owners of the ship as "the owners of the ship";

Description  
of ship  
owners.

and the provisions of the rules of the Court as to the names of partners shall with the necessary modifications apply to the disclosure of names of such owners.

(4) Subject to Sub-section (1) (a) of Section 25 as to service of the notice of accident and the claim for compensation, any document, notice, or, proceeding to be served on the owners of a ship shall be deemed to be sufficiently served if served on the managing owner or manager for the time being of the ship, or (except where the master is claiming compensation) on the master of the ship; and Section 696 of the Merchant Shipping Act, 1894, Sub-section (1) shall apply to service on the master of the ship, and where the master is claiming compensation, and there is no managing owner of the ship, service may be effected in accordance with paragraph (c) of the said Sub-section of the Act.

42 — Any application to the Court or other document which is to be signed by the applicant may be signed by his counsel, solicitor or law agent.

Signature on  
documents.

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

Orders, Forms  
16, 17 and 18.

44 — (1) The Court may before or after the institution of any legal proceedings and on or without the application of any interested party refer to a medical referee for a report thereon any matter which seems material to any question arising out of an accident in which compensation is or might be claimed, and the Court shall make such order as to the payment of the costs of such report as under all the circumstances it may deem just.

Appointment  
of medical  
referee to  
report.

(2) When any matter is so referred the Court may order the injured workman to submit himself for examination by the medical referee, and it shall be the duty of the workman, on

being served with such order, to submit himself for examination accordingly, and the Court shall make such order as to the payment of the costs of such examination as to the Court may seem just.

(3) If a workman, on being so ordered, refuses to submit himself for examination by a medical referee to whom the matter has been so referred or in any way obstruct the same, his right to compensation and to take or prosecute any proceedings under the Law or these Regulations shall be suspended until such examination has taken place or such obstruction has ceased.

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

Statement of wages to be furnished by employer.

45 — (1) 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 employers shall, if required by the workman, furnish the workman, within ten 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 twelve months, where the workman has been employed during a continuous period of not less than twelve months immediately preceding the accident; or
- (b) the total wages earned in respect of the last continuous period of service, where that service is of less than twelve months duration immediately preceding the accident.

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

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

Service of  
copy of  
answer on  
applicant.

(2) Service of the answer shall be effected by delivering the same to the applicant or applicants or to his or their counsel, solicitor or law agent personally, or by leaving it at the address of the applicant or applicants or to his or their counsel, solicitor or law agent as stated in the application with some person there residing or employed or if no such person is known or found there by leaving it at the said address, in some conspicuous place, or by registered post to the said address, and in the latter case service shall be deemed to have been effected 48 hours after the time of posting in any Post Office in the Cayman Islands.

47 — No Court fees shall be payable by any party in respect of any proceedings under the Law prior to an order awarding compensation: Provided, however, that a bailiff of the Court shall be paid for any service he is called upon to perform under the Law and these Regulations at the same rates and in the same manner as he would be paid for the corresponding service if performed under the Cayman Islands Administration of Justice Law (Cap. 421), and the Rules made thereunder and the Tariff of Fees for the time being in force.

48 — Any costs of or incident to any proceedings for the determination of any question arising out of an accident to a workman shall be awarded in accordance with any scale prescribed under the Cayman Islands Administration of Justice Law (Cap. 421), or any Rules made thereunder.

Costs.

Application  
of the rules  
of Court.

49 — Where no provision is made by these Regulations as to the practice and procedure to be observed with respect to any matter or proceeding in the Court for the determination of any question arising out of an accident, the rules applicable to actions in the civil jurisdiction of the Court shall mutatis mutandis apply.

Made by the Administrator in Executive Council this 22nd day of July, 1965.

*Sybil McLaughlin,*  
Clerk of the Executive Council.

Laid before the Legislative Assembly this 4th day of October, 1965.

*Sybil McLaughlin,*  
Clerk of the Legislative Assembly.

#### SCHEDULE.

#### FORM I.

#### WORKMEN'S COMPENSATION LAW, 1964.

Application by Workman or by Employer to Determine Compensation.

In Grand Court

Regulation 3

holden at

A. B., residing at

Applicant.

versus

C. D. residing at

Respondent

The applicant, a workman employed by (a) (contractor with) the respondent or

The applicant, is the employer of the abovenamed respondent, a workman who sustained personal injury by accident arising out of and in the course of his employment on the            day of            19    at

and applies herein for the determination of the questions hereinafter stated under the provisions of the Workmen's Compensation Law, 1964.

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 the applicant has been so long employed under the employer by whom he was immediately employed, or if not, during any less period during which he has been so employed.
7. 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.

13. Name of ship of which applicant was master, seaman or apprentice at time of accident, and port of registry (Vide Regulation 41).

(If application is made by an employer insert here statement required by Section 28 (2) of Law).

Questions for the determination of the Court:—

- (a) whether the applicant (or respondent as the case may be) is a workman within the meaning of the Law.
- (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) etc., (as required).

Dated the                      day of    19

Applicant.

To

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

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

Dated this                      day of    19

Clerk of the Court.

FORM 2.

Regulation 3

WORKMEN'S COMPENSATION LAW, 1964.

Application by or on behalf of Dependents of Deceased Workman or by  
Employer to determine Compensation.

In the Grand Court

holden at

A. B., residing at

Applicant.

versus

C. D. residing at

Respondent

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

or

The applicant was the employer of a  
workman who sustained personal injury by accident  
arising out of and in the course of his employment on the day of  
19 at in

resulting in his death, and applies herein for the  
determination of the question hereinafter stated, under the provisions of the  
Workmen's Compensation Law, 1964.

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 time of accident,  
and whether employed under the alleged employer or

under a contractor with him.

(If employed under a contractor who is not a respondent, name and place of business of contractor to be stated).

4. Date and place of accident, nature of work on which deceased was then engaged, and nature of accident and cause of injury.
5. Nature of injury to deceased, and date of death, (or date when ship was lost or deemed to have been lost).
6. Monthly wages during the 12 months previous to the injury, if the applicant has been so long employed under the employer by whom he was immediately employed, or if not, during any less period during which he has been so employed.
7. Amount of the half-monthly payments (if any) made to deceased under the Law, 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 dependent, and if as a dependent particulars showing how he is so.
9. Particulars as to dependents 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 person claiming, or who may be entitled to claim to be dependents, but as to whose claim a question arises, and who are therefore made respondents, with their names, addresses and descriptions and occupations (if any).
11. Particulars of amount claimed as compensation, and of the manner in which the applicant claims to have such amount apportioned and applied.

12. Date of service of statutory notice of accident on employer and whether given before deceased voluntarily left the employment in which he was injured. (a copy of the notice to be annexed).
13. If notice not served, reason for omission to serve same.
14. Date of claim for compensation.
15. Name of ship of which applicant was master, seaman or apprentice at date of accident, and port of registry. (Vide Regulation 41).

(If application is made by an employer insert here statement required by Section 28 (2) of the Law).

Questions for the determination of the Court:—

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

Dated the                      day of                      19

Applicant

To

of.

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

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

Dated this                      day of                      19

Clerk of the Court.

FORM 3.

Regulation 4

WORKMEN'S COMPENSATION LAW, 1964.

NOTICE.

Whereas an application for compensation has been made by

applicant, against

and the said

has claimed that you

are liable under Section \_\_\_\_\_ of the Workmen's Compensation Law,  
1964, to indemnify him against any compensation which he may be liable to  
pay in respect of the aforesaid application, you are hereby informed, that you  
may appear at \_\_\_\_\_ o'clock on the  
day of \_\_\_\_\_ 19\_\_\_\_, at the Grand Court \_\_\_\_\_ holden at

and contest the claim for compensation made by the said applicant or the claim for indemnity made by the respondent or both. In default of your appearance you will be deemed to admit the validity of any order made against the respondent and be liable to indemnify the respondent for any compensation recovered from him.

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

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

*The Workmen's Compensation Law, 1964.* [No. ] 27

Dated this day of 19

To  
of

Clerk of the Court.

FORM 4.

(In case of a non-fatal injury to Workman by accident).

MEMORANDUM OF AGREEMENT.

To the Clerk of the Court

In the matter of the Workmen's Compensation Law, 1964

and

In the matter of an agreement between of

applicant, and

of respondent,

1. Be it remembered, that on the day of  
19 , personal injury was caused at to  
the abovenamed , 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. (Insert here the like particulars as in Form 1).

3. And that on the day of , 19 ,  
the following agreement was come to by and between the said

and the said

that is to say: (here set out the  
terms of the agreement).

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

A copy of the report of Mr. \_\_\_\_\_, medical referee appointed to report in the abovementioned matter is hereunto annexed.

5. You are hereby requested to record this memorandum, pursuant to Section 17 (4) of the above-mentioned Law.

Dated \_\_\_\_\_

Signature of employer \_\_\_\_\_

Witness \_\_\_\_\_

Signature of workman \_\_\_\_\_

Witness \_\_\_\_\_

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

FORM 5.

Regulation 8

(Where death resulted from the injury to Workman).

#### MEMORANDUM OF AGREEMENT.

To the Clerk of the Court

In the matter of the Workmen's Compensation Law, 1964,

In the matter of an agreement between \_\_\_\_\_ of  
\_\_\_\_\_ Applicant

and \_\_\_\_\_

of \_\_\_\_\_ Respondent.

1. Be it remembered, that on the \_\_\_\_\_ day of \_\_\_\_\_  
19\_\_\_\_\_, personal injury was caused at \_\_\_\_\_ to  
\_\_\_\_\_ late of \_\_\_\_\_ deceased by  
accident arising out of and in the course of his employment, and that on the  
\_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_\_, the said

died as the result of such injury.

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

3. And that on the                      day of                      , 19                      ,  
the following agreement was come to by and between  
the dependents of the said                      within the meaning  
of the above-mentioned Law, and the said                      .

that is to say:

(here set out terms of agreement).

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

A copy of the report of Mr.                      a medical referee  
appointed to report in the abovementioned matter is hereunto annexed.

5. You are hereby requested to record this memorandum pursuant to Section  
17(4) of the abovementioned Law.

Dated

Signature of employer

Witness

Signature of workman

Witness

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

FORM 6. Regulation 9

NOTICE OF MEMORANDUM HAVING BEEN RECEIVED.

In the Grand Court

(Heading as in Memorandum).

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

Such memorandum appears to affect you.

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

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

Dated this                      day of                      19

To (insert names of all parties interested).

Clerk of the Court.

FORM 7.

Regulation 10

#### NOTICE DISPUTING GENUINENESS OF MEMORANDUM.

In the Grand Court

(Heading as in Memorandum).

Take notice that (state name of party disputing), a party (or parties) interested, disputes (or dispute) the genuineness of the memorandum sent to you for registration in the above-mentioned matter on the following grounds:—

Here state grounds, as e.g.

- (a) That no such agreement has in fact been entered into; or
- (b) That the terms of the agreement are not correctly stated in the memorandum (setting out what is claimed to be the correct terms); or
- (c) That the agreement is no longer subsisting or enforceable; or
- (d) That the agreement is not enforceable by reason of its having been entered into under a mutual mistake (or having been obtained by fraud) (or undue influence) (or improper means).

Dated this                      day of                      19

Signed

To the Clerk of the Court

FORM 8.                      Regulation 11

Notice that Genuineness of Memorandum is disputed, or of objection by Employer to Memorandum being recorded.

(Heading as in Memorandum).

Take Notice that                      of

a party (or parties) interested in the memorandum left with (or sent to) me for registration in the abovementioned matter, has (or have) filed with me a notice, a copy of which is sent herewith, that he disputes (or they dispute) the genuineness of the said memorandum on the grounds stated in the said notice.

(or Take notice, that                      of

(the employer) has (or have) filed

with me an affidavit, a copy of which is sent herewith, that he objects (or they object) to the memorandum left with (or sent to) me for registration in the abovementioned matter being recorded on the grounds stated in the said affidavit).

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

Dated this                      day of                      19

To (all parties interested).

Clerk of the Court.

FORM 9.                      Regulation 13

WORKMEN'S COMPENSATION LAW, 1964.

APPLICATION FOR CANCELLATION OF AGREEMENT.

In the Grand Court

holden at

[No.       ]

*The Workmen's Compensation Law, 1964.*

A. B.

, residing at

Applicant

versus

C. D.

residing at

Respondent.

Application is hereby made to the Court by

for an order cancelling an agreement dated the

day of

19            between

an employer and

a workman determining:

(Here set out the matter determined by the agreement in terms of Section 17 (1), (2) of the Law).

on the ground

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

Dated the

day of

19

Applicant.

FORM 10.

Regulations 14 &amp; 16.

WORKMEN'S COMPENSATION LAW, 1964.

APPLICATION FOR REVIEW OR REDEMPTION OF HALF-MONTHLY  
PAYMENT.

## In the Grand Court

holden at

A. B.

, residing at

Applicant

versus

C. D.

residing at

Respondent.

Application is hereby made for review (termination, diminution, increase or redemption as the case may be) of the half-monthly payment payable to the said \_\_\_\_\_ in respect of \_\_\_\_\_

personal injury caused to him by accident arising  
out of and in the course of his employment, on  
at

Particulars are hereto appended:

### PARTICULARS.

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

Dated this                      day of                      19

Signed

Applicant.

FORM 11.

Regulation 17.

WORKMEN'S COMPENSATION LAW, 1964.

Application for Order for Payment to Dependent or other person of  
half-monthly payment payable to persons under  
disability.

## In the Grand Court

holden at

A. B. \_\_\_\_\_, residing at \_\_\_\_\_

Applicant

versus

C. D.

residing at

Respondent.

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

Dated this

day of

19

Signed

Applicant.

To the Clerk of the Court

and (names of all parties interested).

FORM 12.

Regulation 18.

WORKMEN'S COMPENSATION LAW, 1964.

APPLICATION FOR VARIATION OF ORDER.

(Heading as in application)

Take notice that I (name and address of applicant)                      intend to apply to the Court on the                      day of                      , for an order that the order of the Court made in the above mentioned matter on the                      day of                      as to the distribution of the sum paid as compensation among the dependents of deceased (or as to the manner in which the sum payable to a dependent 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 the application is made are (State particulars)

Dated this                      day of                      19

Signed

Applicant.

To the Clerk of the Court

and (names of all parties interested).

FORM 13.

## Regulation 20.

WORKMEN'S COMPENSATION LAW, 1964.

Deposit of Compensation for Fatal accident.

Compensation amounting to £ \_\_\_\_\_ is hereby presented for  
deposit in respect of injuries in the death of \_\_\_\_\_  
residing at \_\_\_\_\_ which occurred on \_\_\_\_\_  
at \_\_\_\_\_ . His monthly wages are estimated  
\_\_\_\_\_ . He was over/under 21 years at the time  
of his death.

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

amounting in all to

This deposit is made pursuant to

(here state the reason for making the deposit — vide Regulation 19.)

Dated this                      day of                      19

Employer.

36

[No.     ]

*The Workmen's Compensation Law, 1964.*

(To be added if desired)

(I desire to be made a party to the proceedings  
(for the distribution of the aforesaid compensa-  
(tion.

Employer.

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

FORM 14.

Regulation 20.

WORKMEN'S COMPENSATION LAW, 1964.

Statement of Disbursement.

Depositor

Amount deposited £

Date

£     S.     D.

Funeral expenses paid

Compensation paid to the following Dependents:—

Name

Relationship

Total

Dated this

day of

19

Clerk of the Court.

FORM 15.

Regulation 23.

WORKMEN'S COMPENSATION LAW, 1964.

Deposit of Compensation for Non-Fatal Accidents.

*The Workmen's Compensation Law, 1964.* [No. ] 37

Compensation amounting to £ is hereby presented  
for deposit in respect of permanent/temporary injuries sustained by  
residing at which  
occured on 19 at

This deposit is made pursuant to

(here state the reason for making the deposit — vide Regulation 19).

Dated Employer.

FORM 16. Regulation 43.

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

In case of Application for Half-Monthly payment of Compensation.

#### ORDER.

#### WORKMEN'S COMPENSATION LAW, 1964.

Upon the application of and  
upon hearing

(Here insert any other introductory recital of findings on which the  
order is made which the Court may think fit).

It is ordered as follows:—

1. That the respondent C. D. do pay to the applicant A. B. the half-monthly sum of £ as compensation for personal injuries caused to the said A. B. on the day of , by injury arising out of and in course of his employment as a workman employed by the said respondent, such half-monthly payment to commence as from the day of , and to continue during the total or partial incapacity of the said A. B. for work, or until the same shall be ended, diminished, increased or redeemed in accordance with the provisions of the Workmen's Compensation Law, 1964.

2. And that the said C. D. do forthwith pay to the said A. B. the sum of £ being the amount of such half-monthly payments cal-

culated from the                      day of                      until  
 day of                                      and do thereafter pay the said sum of  
 £                                      to the said A. B. on the  
 and                                      days of each month.

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

Dated this                      day of                      19

Judge of the Grand Court.

#### FORM 17.

In Case of Application by Dependents.

#### ORDER

#### WORKMEN'S COMPENSATION LAW, 1964.

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

It is ordered as follows:—

1. That the respondent C. D. do pay the sum of £                                      to  
 the dependents of A. B. late of                                      , deceased as  
 compensation for the injury resulting to such dependents from the death of  
 the said A. B. which took place on the 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 dependents of the said A. B., that is to say J. B.  
 widow of the said A. B. and (name the other persons).

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

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

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

Dated this                             day of                             19

JUDGE OF THE GRAND COURT.

FORM 18.

In Case of Application by Persons to Whom Expenses of Funeral are due.

ORDER.

WORKMEN'S COMPENSATION LAW, 1964.

Upon the application of   and upon hearing

(Here insert any other introductory recital of findings on which  
the order is made which the Court may think fit).

It is ordered as follows:—

1. That the respondent C. D. do pay the sum of £ for  
or towards the expenses of the funeral of A. B. late of  
deceased, who died on the day of  
from injury caused on the day of  
by accident arising out of and in the course of the  
employment of the said A. B. as a workman employed by the said C. D.
2. And it is declared that the persons hereinafter named are entitled to  
share in such compensation, that is to say:—

The applicant E. F. in respect of charges amounting to £  
due to (or payable by) him in respect of charges amounting to £  
for the funeral of the said A. B.

Dated this                      day of                      19

JUDGE OF THE GRAND COURT.

(Note — The above form will serve as a guide for framing orders in other cases).

Published by Government Notice No. 116 of 1965.  
Date of operation, 1st NOVEMBER, 1965.