

No. 29.

The following Rules of Court made by the Chief Justice have been approved by His Excellency the Governor. (M.P. 705/43.)

THE WORKMEN'S COMPENSATION LAWS, 1942 TO (No.2) 1944.**THE WORKMEN'S COMPENSATION (RULES OF COURT) 1945.**

In the exercise of the powers vested in him by section 33 (2) of the Workmen's Compensation Law, 1942, and of every other power him enabling, the Chief Justice, with the approval of His Excellency the Governor hereby makes the following rules of Court :—

PRELIMINARY.

1. These rules may be called the Workmen's Compensation Rules of Court, 1945.

FORMS.

2. The forms contained in the First Schedule or forms to the like effect shall, where applicable, be used in matters or proceedings under the Workmen's Compensation Laws, 1942 to (No. 2) 1944 (hereinafter referred to as "the Law"), with such variations and modifications as the circumstances may require.

DUTIES OF THE REGISTRAR OF THE DISTRICT COURT.

3. It shall be the duty of the Registrar of the Court, upon request, to—

- (1) give information as to matters of form or procedure to any party, and to supply to any party who is not legally represented any form required by these rules for use in matters or proceedings before a Court ;
- (2) fill in and make copies of any necessary forms whenever a party, who is not legally represented, is unable to do so owing to illiteracy, blindness, or other physical cause ;
- (3) issue all necessary process.

4. The Registrar of the Court shall mark with a separate number the first document lodged with him by an applicant, and any document lodged subsequently by any party in relation to that application shall first be marked with the same number by the party lodging it and unless so marked may be refused by the Registrar of the Court.

5. The Registrar of the Court shall file under their respective numbers and keep separate the records of all applications under the Law.

6. The Registrar of the Court shall keep a book, to be called "Application Record Book", which shall be in the form and contain the particulars set out in Form No. 12 in the First Schedule.

7. The Registrar of the Court shall, within two weeks after the end of March, June, September and December in each year, furnish to the Colonial Secretary a return of all determinations made by the Court during the preceding three months, and shall state in such return the nature of each application, the names of the applicant and the respondent, and the order made.

8. Any minute of any order or appointment made by the Court shall be signed by the President or by a Judge or Magistrate of the Court and any receipt to be given by the Court may be signed by the Registrar of the Court.

SERVICE OF PROCESS.

9. The first document lodged by a party with the Registrar of the Court shall bear such party's full name and such address as will enable service of notices and documents to be effected on him. A post office box alone shall not be a sufficient address for the purposes of this rule.

10. Any change of such address shall forthwith be notified, by the party making such change, to the Registrar of the Court and to the other party or parties to the proceedings.

11. Any address lodged by a party in pursuance of rule 10 shall remain an address for service of such party from the date of lodging such address until forty-eight hours after change thereof has been notified as prescribed in the preceding paragraph.

12. Where any respondent to an application cannot be served in the manner provided in Order 5, Rule 2 (1) of the Rules of Court, 1938, the Court may, upon application *ex parte* supported by an affidavit stating the circumstances, direct in what manner service shall be effected upon him, including service by newspaper advertisement; and service in accordance with such directions shall be valid and effectual.

APPLICATIONS.

13.—(1) A workman or an employer who desires the determination of any question arising out of an accident in which compensation is or might be claimed shall lodge with the Registrar of the Court a written application in the appropriate form accompanied by particulars containing—

- (a) a concise statement of the circumstances under which the application is made and the relief or order which the applicant claims, or the question which he desires to have determined ;
- (b) the full name and address of the applicant, and the name and address of the respondent.

(2) If the application be made by an employer, it shall be accompanied by a statement whether he admits his liability to pay compensation or denies such liability, and whether the admission or denial is total or partial, and if he admits or denies liability partially, a statement of the extent to which he admits or denies liability. In the case of a denial of liability, the grounds shall be stated.

14.—(1) As soon as an application, together with the accompanying particulars and statements herein prescribed, has been lodged, the Registrar of the Court shall cause a copy thereof to be served upon the respondent in the appropriate manner, together with a notice informing the respondent that he must lodge with the Registrar of the Court such an answer as is prescribed in paragraph (2) within the period therein prescribed, and that in default of his complying with that paragraph or of his appearing at a time and place fixed in the notice, such order may be made as the Court deems just and expedient. Save with the written consent of the respondent communicated to the Registrar of the Court, not less than fourteen clear days shall elapse between the date of the service of the notice upon the respondent and the date fixed for hearing the application.

(2) If the respondent intends to oppose an application he shall, within seven days after service of the notice, or within such extended period as the Court may upon application allow, lodge with the Registrar of the Court a written answer containing a concise statement of the extent and grounds of his opposition.

15.—(1) The respondent may, not later than seven days after he has received notice of application, serve on the applicant a request in writing for further particulars of the grounds upon which the application is made, specifying in such request the questions as to which he desires to have information; and the applicant may, not later than seven days after he has received the answer to the application, serve on the respondent a request in writing for similar particulars of the grounds upon which the application is opposed.

(2) A copy of any such request shall forthwith be lodged with the Registrar of the Court by the party making the request, and a copy of any reply thereto shall forthwith be lodged with the Registrar of the Court by the party making the reply.

(3) If the party so requested to furnish particulars fails to do so within seven days from the date of service of the request aforesaid and in consequence of such failure it is necessary to adjourn the hearing of the application, the Court may order that the costs occasioned by such adjournment shall be paid by the party so in default. The Court may disallow, with costs, any request for particulars which appears to the Court to be unnecessary or vexatious. The Court may award against the party making a request for particulars, the costs of the replies thereto.

16.—(1) The Court may, at any time before the determination of the question in dispute, and upon such terms as to adjournment or as to costs as may be deemed just, allow an application, or any particulars or statement accompanying the same, or any answer thereto to be amended.

(2) Where a party wishes to make any such amendment, he shall lodge with the Registrar of the Court an application in writing with a statement of such amendment thereto annexed; and shall at the same time serve a copy thereof on the other party or parties to the proceedings.

PAYMENT INTO COURT.

17.—(1) A respondent from whom compensation is claimed may at any time upon notice to the applicant pay into Court a sum which is considered by him to be sufficient to cover his liability.

(2) If no greater compensation be awarded than the sum of money which the respondent has paid into Court, the Court may order that any costs incurred by such respondent, after payment by him into Court of the said sum of money, shall be paid by the applicant.

INTERVENTION BY CONTRACTORS.

18.—(1) Where a principal has given notice to a contractor of a claim or application for compensation made against the principal, and the contractor desires to intervene, he shall forthwith lodge with the Registrar of the Court a notice that he so intervenes and shall forthwith serve copies of such notice of intervention upon the applicant and the principal. The Contractor shall thereupon be entitled to make copies of the application and of any other document then lodged with the Registrar of the Court in connection with the application.

(2) A contractor who has so lodged with the Registrar of the Court notice that he intervenes shall lodge an answer to the application within seven days after service upon him of the said notice given by the principal or within such further time as the Court may on application allow.

(3) The Court may, on the hearing of the application, either order that such person be made a respondent if the Court is satisfied that he is entitled so to intervene, or may refuse to make him a respondent and order him to pay the costs incurred by his intervention if satisfied that he is not entitled so to intervene.

19. If any person served with a notice as a contractor desires to dispute the applicant's claim or his own liability to the principal, he shall appear before the Court; and in default of his so doing he shall be deemed to admit the validity of any order made against the principal whether such order is made by consent or otherwise, and his own liability to indemnify the principal to the extent claimed in the notice served on him by the principal.

20. The Court may at any stage of the proceedings, upon request made to it in writing or of its own motion, order that any person appearing to be interested be joined in the proceedings.

21.—(1) An application to determine what sum is payable in respect of medical attendance on, or the burial of, a deceased workman who leaves no dependants shall be made by the personal representative, if any, of the deceased workman, or, if there be no such personal representative, or he fails to make such application, by any person to whom any such expenses are due. In the latter case any other person known to the applicant to be a person to whom any such expenses are due shall be joined in the application either as applicant or as respondent.

(2) Where the amount awarded by the Court on any such application is insufficient to pay such expenses in full, it shall be apportioned between the persons to whom such expenses are payable in such manner as the Court shall direct.

PAYMENT OF COMPENSATION.

22. Every payment of compensation made to the Court under the Law shall be accompanied by a statement showing:—

- (1) in the case of compensation paid otherwise than under an Order of Court:—
 - (a) the name and address of the employer on whose behalf the payment is made; and
 - (b) the name and address of the workman to whom the compensation is payable; and
 - (c) the date and place of the accident in respect of which the payment is made; and
 - (d) the amount and nature of the compensation agreed upon.
- (2) in the case of compensation paid under an Order of Court:—
 - (a) the number and title of the cause; and
 - (b) the date of the Order under which the payment is made.

SPECIAL CASE.

Procedure in submitting any question of law.

23.—(i) When a Court submits any question of law for the decision of the Supreme Court, the case shall be divided into paragraphs numbered consecutively, and shall state concisely such facts and refer to such documents as may be necessary to enable the Supreme Court to decide the questions of law raised thereby.

(ii) The case shall be signed and sent to the Chief Registrar of the Supreme Court, who shall forthwith appoint a day, hour and place for hearing the case.

(iii) The Chief Registrar shall forthwith cause due notice of the day, hour and place appointed for hearing the case to be given to the parties: such notice shall be not less than fourteen clear days before the date of the hearing, unless a Judge of the Supreme Court shall, with the consent of all parties, fix an earlier day.

(iv) Any party shall be entitled, on payment of the proper fees, to obtain from the Chief Registrar a copy of the case.

(v) After the question submitted to the Supreme Court has been decided, the Chief Registrar shall remit the case with a memorandum of such decision to the trial Court.

(vi) The Supreme Court may remit the case to the trial Court for re-statement or further statement.

(vii) The costs of the hearing of a case shall be in the discretion of the Supreme Court and shall form part of the proceedings before the Supreme Court.

24. The Rules of Court for the time being in force relating to civil actions involving claims exceeding £25 (except if and in so far as not otherwise provided by these rules) shall apply to all proceedings under sections 18 and 23 of the Law.

FEEs.

25. The fees of Court prescribed in the second Schedule shall be charged in respect of the proceedings therein mentioned.

26. No fee of Court whether prescribed in the second Schedule or elsewhere is payable by a workman in the first instance, but where a workman has been ordered to pay costs, and those costs include a fee paid by another party, nothing in this rule shall prevent the recovery of such fee from the workman.

27. Advocates as between themselves and their clients shall be entitled to charge and shall be allowed the fees prescribed in the third Schedule in respect of the matters therein mentioned.

FIRST SCHEDULE—(Rule 2).

FORM No. 1—(Rule 13 (1)).

The Workmen's Compensation Laws, 1942 to (No. 2) 1944.

APPLICATION BY INJURED WORKMAN WITH RESPECT TO THE COMPENSATION PAYABLE TO HIM.

In the District Court of.....

Case No.....

In the matter of an application between

....., applicant,
and
....., respondent.

1. On the..... day of....., 19.... personal injury by accident arising out of and in the course of his employment was caused to..... a workman employed by..... (or by....., a contractor with..... for the execution of work undertaken by him).

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

- (a) whether the said..... is a workman to whom the Law applies;
- (b) as to the liability of the said..... to pay compensation under the Law in respect of the said injury;
- (c) as to the amount of the compensation payable by the said..... to the said..... under the Law in respect of the said injury (or as the case may be);
- (d) such other question as may have arisen.

3. An application under the Law is hereby made by the said..... for the determination of the said question (or questions) and for the following relief or order (state shortly the relief or order which the applicant claims).

4. Particulars are hereto appended (or annexed).

PARTICULARS.

- 1. Name and address of applicant :.....
 - 2. Name, place of business, and nature of business of respondent.....
 - 3. Nature of employment of applicant at time of accident and whether employed under respondent or under a contractor with him. (If employed under a contractor who is not a respondent, name and place of business of contractor also to be stated) :.....
 - 4. Date and place of accident, nature of work on which workman was then engaged, and nature of accident and cause of injury :.....
 - 5. Nature of injury :
 - 6. Particulars of incapacity for work, whether temporary or permanent, and if permanent whether total or partial, and if temporary, estimated duration of incapacity :.....
 - 7. Average monthly earnings of the workman with the employer at the time of the accident causing incapacity or death, or if, by reason of the shortness of the time during which the workman has been in the employment of the employer, it is impracticable to compute the average monthly earnings, then the amount which the workman claims should be taken as his average monthly earnings and the ground upon which that amount is claimed :.....
 - 8. Average monthly amount which the applicant is earning or is able to earn in some possible employment after the accident :
 - 9. Payment, allowance, or benefit received from employer during the period of incapacity
 - 10. Amount claimed as compensation :.....
 - 11. Date of giving of notice of accident to respondent. (A copy of any notice in writing, if available, to be annexed) :.....
 - 12. If notice not given, reason for omission to give such notice :
- The names and address(es) of the applicant (and his advocate) are :
- Of the Applicant :.....
 - Of his advocate :.....
- The name and address of the respondent to be served with this application are :.....

Dated this.... day of....., 19....

.....
Applicant (or his advocate).

FORM No. 2—(Rule 13 (1)).

The Workmen's Compensation Laws, 1942 to (No. 2) 1944.

APPLICATION ON BEHALF OF DEPENDANTS OF DECEASED WORKMAN WITH RESPECT TO THE COMPENSATION PAYABLE TO SUCH DEPENDANTS WHERE DEATH HAS RESULTED FROM THE INJURY TO THE WORKMAN.

In the District Court of.....

Case No.....

In the matter of an application between—

....., applicant, and respondent.

1. On the..... day of....., 19....., personal injury by accident arising out of and in the course of his employment was caused to..... late of....., deceased, a workman employed by..... (or by....., a contractor with....., for the execution of work undertaken by him), and on the..... day of....., 19....., the death of the said..... resulted from the injury.

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

- (a) whether the said..... was a workman to whom the Law applied, (b) as to the liability of the said..... to pay compensation under the Law to the dependants of the said..... in respect of the loss caused to them by the death of the said..... (c) as to the amount of compensation payable by the said..... to the dependants of the said..... under the Law in respect of the loss caused to them by the death of the said..... (d) such other question as may have arisen.

3. An application under the Law is hereby made by..... the representative of the said....., deceased, acting on behalf of the dependants of the said..... against the said..... for the determination of the said question (or questions), and for the following relief or order (state shortly the relief or order which the applicant claims).

4. Particulars are hereto appended (or annexed):—

PARTICULARS.

- 1. Name and late address of deceased workman:..... 2. Name, place of business, and nature of business of respondent from whom compensation is claimed:..... 3. Nature of employment of deceased at time of accident and whether employed under respondent or under a contractor with him. (If employed under a contractor who is not a respondent, name and place of business of contractor also to be stated):..... 4. Date and place of accident, nature of work on which deceased was then engaged, and nature of accident and cause of injury:..... 5. Nature of injury to deceased and date of death:..... 6. Average monthly earnings of the workman with the employer at the time of the accident causing disablement or death, or if, by reason of the shortness of the time during which the workman has been in the employment of the employer, it is impracticable to compute the average monthly earnings, then the amount claimed as his average monthly earnings and the ground upon which that amount is claimed:..... 7. Amount of monthly payments (if any) made to the deceased under the Law:..... 8. Name and address of applicant:..... 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 dependant on the earnings of the deceased at the time of his death:..... 10. Amount claimed as compensation:..... 11. Date of giving of notice of accident to respondent from whom compensation is claimed (a copy of the notice to be annexed):..... 12. If notice not given, reason for omission to give same:.....

The names and addresses of the applicant and his advocate are:—

Of the applicant..... Of his advocate.....

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

Dated this..... day of....., 19.....

..... Applicant (or his advocate).

FORM No. 3—(Rule 13 (1)).

The Workmen's Compensation Laws, 1942 to (No. 2) 1944.

GENERAL APPLICATION.

In the District Court of.....

Case No.....

In the matter of an application between :

....., applicant,
and
....., respondent.

Application is hereby made by (1)..... against (2).....

The circumstances under which the application is made are shortly as follows : (3).....

The relief or order which the applicant claims is shortly as follows : (4).....

The full names and addresses of the applicant and his advocate are :—..

Of the applicant.....

Of his advocate.....

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

Dated this..... day of....., 19....

.....
Applicant (or his advocate).

NOTE.—Where the application is made by an employer, and any question of his liability to pay compensation is involved, it must be accompanied by a statement whether he admits his liability to pay compensation or denies such liability, and whether the admission or denial is total or partial, and if he admits or denies liability partially, a statement of the extent to which he admits or denies liability. In the case of a denial of liability, the grounds shall be stated.

- (1) Name and address of applicant.
(2) Name and address of respondent.
(3) State concisely in numbered paragraphs in chronological order the circumstances under which the application is made.
(4) State concisely the relief or order which the applicant claims.

FORM No. 4—(Rule 14 (1)).

The Workmen's Compensation Laws, 1942 to (No. 2) 1944.

NOTICE TO RESPONDENT AS TO APPLICATION.

In the District Court of.....

Case No.....

In the matter of an application between :

....., applicant,
and
....., respondent.

To :..... of.....

Take notice that, if you intend to oppose the application, of which a copy is served upon you herewith, you must lodge with me, within seven days after the service of this notice upon you, a written answer thereto containing a concise statement of the extent and grounds of your opposition.

And further take notice that..... the..... day of....., 19...., at..... m., or so soon thereafter as the application can be heard, at the..... at..... has been fixed as the time and place for the hearing of the application, and that in default of your lodging with me within the time aforesaid a written answer as herein required, or of your appearing at the said time and place fixed for the hearing of the application, such order may be made as the Court deems just and expedient.

Dated this..... day of....., 19....

(SEAL)

.....
Registrar of the Court.

FORM No. 5—(Rule 14 (2)).
The Workmen's Compensation Laws, 1942 to (No. 2) 1944.

RESPONDENT'S ANSWER TO NOTICE.

In the District Court of.....
Case No.....
In the matter of an application between :
....., applicant,
and
....., respondent.
To the Registrar,
.....
The respondent intends to oppose the above application. The following is a concise state-
ment of the extent and grounds of his opposition.
.....
Date.....
Place..... Respondent (or his advocate).

FORM No. 6—(Rule 15 (1)).
The Workmen's Compensation Laws, 1942 to (No. 2) 1944.

REQUEST FOR PARTICULARS.

In the District Court of.....
Case No.....
In the matter of an application between :
....., applicant,
and
....., respondent.
To (1).....
Take notice that you are hereby requested to furnish me with answers in writing to the
following questions:— (2).....
Dated this..... day of....., 19....
(3)

- (1) Name and address of workman, applicant, or respondent to whom request is made.
- (2) State shortly and clearly under consecutive numbers the questions to which answers are requested.
- (3) Signature and address of person making the request.

FORM No. 7.
The Workmen's Compensation Laws, 1942 to (No. 2) 1944.

ORDER FOR PERIODICAL PAYMENTS.

In the District Court of.....
Case No.....
In the matter of an application between :—
....., applicant,
and
....., respondent.
It is ordered that (1)..... do forthwith pay to (2).....
at (3)..... the taxed costs of an application heard on the..... day
of....., 19...., and the sum of £....., being the amount now due
from the said (1)..... to the said (2)..... in respect of a monthly
payment of £..... from the..... day of....., 19.....,
being the date of the injury, to the date of this order: and do further pay at the same place on
every..... day from the date of this order until otherwise ordered, the sum of £.....
Dated this..... day of....., 19....

(SEAL)

.....
President, District Judge or Magistrate.

- (1) Employer's name and address.
- (2) Workman's name and address.
- (3) Place where payment is to be made.

FORM No. 8.

The Workmen's Compensation Laws, 1942 to (No. 2) 1944.

APPLICATION FOR THE REVISION OF A PERIODICAL PAYMENT.

In the District Court of.....

Case No.....

In the matter of an application between :

....., applicant,
and
....., respondent.

An application is hereby made by..... against..... with respect to the revision of the order made by the Court on the..... day of..... 19....., (or the agreement arrived at between the said parties on the..... day of..... 19.....) and for the termination (or suspension, diminution, or increase, as the case may be) of the monthly payment payable to the said..... under the said order (or agreement) in respect of personal injury which arose out of and in the course of his employment.

Particulars are hereto appended (or annexed)—

- 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, and injury.....
4. Date of order or agreement fixing monthly payment, amount of such payment, and date from which it commenced.....
5. Relief sought by applicant (whether termination, suspension, diminution, or increase).....
6. Grounds on which (termination, suspension, diminution, or increase) is claimed :.....

The names and addresses of the applicant and his advocate are :—

Of the applicant :.....

Of his advocate :.....

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

Dated this..... day of....., 19.....

.....
Applicant (or his advocate).

FORM No. 9.

The Workmen's Compensation Laws, 1942 to (No. 2) 1944.

ORDER ON REVISION OF ORDER/AGREEMENT FOR PERIODICAL PAYMENTS.

In the District Court of.....

Case No.....

In the matter of an application between :

....., applicant,
and
....., respondent.

Before..... on..... day, the..... day of....., 19.....

Upon revision of the Order for periodical payment made..... on the..... day of....., 19....., (or the agreement arrived at between the said parties on the..... day of....., 19.....) and upon hearing the evidence given by..... and Mr..... for the applicant and Mr..... for the respondent :

It is hereby ordered that the said order/agreement be varied in the following manner :—

..... and that the costs of the said..... of, and incidental to, this application and order be taxed and paid by the said..... to the said.....

Dated this..... day of....., 19.....

(SEAL)

.....
President, District Judge, or Magistrate.

SECOND SCHEDULE.
(FEES OF COURT)

1.	On lodging a general application	5s.
2.	On lodging an answer to any application other than an application for amendment of any document lodged with the Court.	10s.
3.	On notifying the Court of any change of address for service.	2s.
4.	On lodging any document or copy of any document not otherwise provided for.	2s.
5.	On judgment for payment of a lump sum	For every £1 awarded 3p. Maximum fee £2. 10s.
6.	On judgment for a monthly payment with or without a lump sum in respect of arrears, or if the judgment is made on an application for the review of a monthly payment. This fee is not payable in respect of the costs of a judgment; nor is it payable on a judgment dismissing an application by a workman for the review of a monthly payment.	An amount equal to 25% of the monthly payment, a fraction of a shilling being reckoned as an entire shilling. Minimum fee £1.
7.	On payment into Court	For every £ so paid 4½p. Maximum fee £5.
8.	For examining an agreement submitted to the Court under section 17 (2) of the Law. This fee is payable by the employer upon the agreement being made an order of the Court.	For every £ 3p. Minimum fee 10s. Maximum fee £2. 10s.

THIRD SCHEDULE.
(ADVOCATES FEES)

		Where the sum recovered exceeds		
		£100	£100	£200
		£100	£200	—
		and does not exceed		
1.	Preparing application under rule 13	£1 to £2	£1. 5s. to £2. 10s.	£2 to £4
2.	Preparing application not otherwise provided for	5s. to 10s.	6s. to 12s.	8s. to £1
3.	Preparing answer under rule 14 (2)	£1 to £2	£1. 5s. to £2. 10s.	£2 to £4
4.	Preparing request for particulars	5s. to 10s.	6s. to 12s.	8s. to £1
5.	Preparing particulars	5s. to 10s.	6s. to 12s.	8s. to £1
6.	Preparing notice of intervention by a contractor	5s.	6s.	8s.

Given under the hand of the Chief Justice at Nicosia this 6th day of February, 1945.

G. C. GRIFFITH WILLIAMS,
Acting Chief Justice.