Provided that where any such rule or provision is applicable to the case of any person, the case shall not be dealt with in any manner less favourable to him than that provided by the rule or provision."

Amendment of s. 97 of Government of India Act.

3. In subsection (6) of section ninety-seven of the Government of India Act (which relates to the appointment to the Indian Civil Service of persons domiciled in India) the words "in Council" shall be inserted after the words "Secretary of State" where those words first occur.

Short title, construction and printing. 9 & 10 Geo. 5. c. 101.

4.—(1) This Act may be cited as the Government of India (Civil Services) Act, 1925.

(2) Subsection (2) of section forty-five of the Government of India Act, 1919 (which relates to the effect of amendments to and the printing of the Government of India Act) shall have effect as if it were herein re-enacted and in terms made applicable to the amendments effected by this Act.

CHAPTER 84.

An Act to consolidate the law relating to compensation to workmen for injuries suffered in the course of their employment.

[22nd December 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

COMPENSATION FOR INJURIES.

Right to Compensation.

Liability of employers to workmen for injuries.

1.—(1) If in any employment personal injury by accident arising out of and in the course of the employment is caused to a workman, his employer shall, subject as hereinafter mentioned, be liable to pay compensation in accordance with the provisions hereinafter contained;

Provided that—

(*a*) The employer shall not be liable under this Act in respect of any injury which does not disable the workman for a period of at least three days from earning full wages at the work at which he was employed:

(*b*) If it is proved that the injury to a workman is attributable to the serious and wilful misconduct of that workman, any compensation claimed in respect of that injury shall, unless the injury results in death or serious and permanent disablement, be disallowed.

(2) For the purposes of this Act, an accident resulting in the death or serious and permanent disablement of a workman shall be deemed to arise out of and in the course of his employment, notwithstanding that the workman was at the time when the accident happened acting in contravention of any statutory or other regulation applicable to his employment, or of any orders given by or on behalf of his employer, or that he was acting without instructions from his employer, if such act was done by the workman for the purposes of and in connection with his employer's trade or business.

(3) This Act shall apply notwithstanding any contract to the contrary, whether made before or after the commencement of this Act, except that where under this Act the provisions of a scheme are substituted for the provisions of this Act, the employer shall be liable only in accordance with the scheme.

Persons entitled to compensation.

2.—(1) The compensation shall be payable to or for the benefit of the workman, or, where death results from the injury, to or for the benefit of his dependants as provided by this Act.

(2) Where there are both total and partial dependants nothing in this Act shall be construed as preventing the compensation being allotted partly to the total and partly to the partial dependants.

(3) Where a dependant dies before a claim under this Act is made, or if a claim has been made, before an agreement or award has been arrived at or made, the legal personal representative of the dependant shall have no right to payment of compensation, and the amount of compensation shall be calculated and apportioned as if that dependant had died before the workman.

Meaning of "workman."

3.—(1) In this Act, unless the context otherwise requires, the expression "workman," subject to the exceptions hereinafter mentioned, means any person who has entered into or works under a contract of service or apprenticeship with an employer, whether by way of manual labour, clerical work or otherwise, and whether the contract is expressed or implied, is oral or in writing; and also includes a person engaged in plying for hire with any vehicle or vessel the use of which is obtained from the owner thereof under any contract of bailment (other than a hire purchase agreement) in consideration of the payment of a fixed sum or a share in the earnings or otherwise.

(2) The following persons are excepted from the definition of workman, that is to say—

(*a*) any person employed otherwise than by way of manual labour whose remuneration exceeds three hundred and fifty pounds a year; or

(*b*) a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business, not being a person employed for the purposes of any game or recreation and engaged or paid through a club; or

(*c*) a member of a police force; or

(*d*) an out worker; or

(*e*) a member of the employer's family dwelling in his house.

(3) If on any proceedings for the recovery of compensation under this Act it appears to the judge of county courts or other person by whom the claim to compensation is to be settled that the contract of service or apprenticeship under which the injured person was working at the time when the accident causing the injury happened was illegal, he may, if having regard to all the circumstances of the case he thinks proper so to do, deal with the matter as if the injured person had at the time aforesaid been a person working under a valid contract of service or apprenticeship.

Dependants entitled to compensation.

4.—(1) The dependants of a workman entitled to claim compensation under this Act where the injury results in death are such of the members of the workman's family as were wholly or in part dependent upon the earnings of the workman at the time of his death, or

would but for the incapacity due to the accident have been so dependent, and where the workman, being the parent or grandparent of an illegitimate child, leaves such a child so dependent upon his earnings, or, being an illegitimate child, leaves a parent or grandparent so dependent upon his earnings, shall include such an illegitimate child and parent or grandparent respectively.

(2) A person shall not be deemed to be a partial dependant of another person unless he was dependent partially on contributions from that other person for the provision of the ordinary necessaries of life suitable for persons in his class and position.

(3) In this Act unless the context otherwise requires the expression "Member of a family" means wife or husband, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother, half-sister.

Meaning of "employer."

5.—(1) In this Act unless the context otherwise requires the expression "Employer" includes any body of persons corporate or unincorporate and the legal personal representative of a deceased employer, and, where the services of a workman are temporarily lent or let on hire to another person by the person with whom the workman has entered into a contract of service or apprenticeship, the latter shall, for the purposes of this Act, be deemed to continue to be the employer of the workman whilst he is working for that other person.

(2) In relation to a person engaged in plying for hire with any vehicle or vessel, the use of which is obtained from the owner thereof under a contract of bailment, the owner of the vehicle or vessel shall, for the purposes of this Act, be deemed to be the employer.

(3) In relation to a person employed for the purposes of any game or recreation and engaged or paid through a club, the manager, or members of the managing committee, of the club shall, for the purposes of this Act, be deemed to be the employer.

Liability in case of workmen employed by contractors.

6.—(1) Where any person (in this section referred to as the principal), in the course of or for the purposes of his trade or business, contracts with any other person (in this section referred to as the contractor) for the execution by or under the contractor of the whole or any part

of any work undertaken by the principal, the principal shall be liable to pay to any workman employed in the execution of the work any compensation under this Act which he would have been liable to pay if that workman had been immediately employed by him; and where compensation is claimed from or proceedings are taken against the principal, then, in the application of this Act, references to the principal shall be substituted for references to the employer, except that the amount of compensation shall be calculated with reference to the earnings of the workman under the employer by whom he is immediately employed:

Provided that, where the contract relates to threshing, ploughing, or other agricultural work, and the contractor provides and uses machinery driven by mechanical power for the purpose of such work, he and he alone shall be liable under this Act to pay compensation to any workman employed by him on such work.

(2) Where the principal is liable to pay compensation under this section, he shall be entitled to be indemnified by any person who would have been liable to pay compensation to the workman independently of this section.

(3) Nothing in this section shall be construed as preventing a workman recovering compensation under this Act from the contractor instead of the principal.

(4) This section shall not apply in any case where the accident occurred elsewhere than on, or in, or about premises on which the principal has undertaken to execute the work or which are otherwise under his control or management.

Provision as to cases of bankruptcy of employer.

7.—(1) Where any employer has entered into a contract with any insurers in respect of any liability under this Act to any workman, then, in the event of the employer becoming bankrupt, or making a composition or arrangement with his creditors, or, if the employer is a company, in the event of the company having commenced to be wound up or a receiver or manager of the company's business or undertaking having been duly appointed, or possession having been taken, by or on behalf of the holders of debentures secured by a floating charge, of any property comprised in or subject to the charge, the rights of the employer against the insurers as respects that liability shall, notwithstanding

anything in the enactments relating to bankruptcy and the winding-up of companies, be transferred to and vest in the workman, and upon any such transfer the insurers shall have the same rights and remedies and be subject to the same liabilities as if they were the employer, so however that the insurers shall not be under any greater liability to the workman than they would have been under to the employer.

(2) If the liability of the insurers to the workman is less than the liability of the employer to the workman, the workman may prove for the balance in the bankruptcy or liquidation, or, as the case may be, he may recover the balance from the receiver or manager.

(3) There shall be included amongst the debts which—

(i) under section thirty-three of the Bankruptcy Act, 1914, and section one hundred and eighteen of the Bankruptcy (Scotland) Act, 1913, are in the distribution of the property or assets of a bankrupt, to be paid in priority to all other debts; 4 & 5 Geo. 5. c. 59. 3 & 4 Geo. 5. c. 20.

(ii) under section two hundred and nine of the Companies (Consolidation) Act, 1908, are in the winding-up of a company to be paid in priority to all other debts; and 8 Edw. 7. c. 69.

(iii) under section one hundred and seven of the Companies (Consolidation) Act, 1908, are to be paid in priority to any claim for principal or interest in respect of debentures;

the amount due in respect of any compensation or liability for compensation accrued before the following date, that is to say:—

(*a*) In the first case the date of the receiving order;

(*b*) In the second case the date of the commencement of the winding up of the company;

(*c*) In the third case the date of the appointment of the receiver or of possession being taken mentioned in the said section one hundred and seven.

Where the compensation is a weekly payment, the amount due in respect thereof shall, for the purposes of this provision, be taken to be the amount of the lump sum for which the weekly payment could, if redeemable, be redeemed if the employer made an application for that purpose under this Act.

(4) In the case of the winding up of a company within the meaning of the Stannaries Act, 1887, such an amount as aforesaid, if the compensation is payable to a miner or the dependants of a miner, shall have the like priority as is conferred on wages of miners by section nine of that Act, and that section shall have effect accordingly.

50 & 51 Vict. c. 43.

(5) The provisions of this section with respect to preferences and priorities shall not apply where the bankrupt or the company has entered into such a contract with insurers as aforesaid.

(6) This section shall not apply where a company is wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company.

Amount of Compensation.

Amount in fatal cases.

8.—(1) The compensation under this Act where death results from the injury shall be a lump sum of an amount calculated in accordance with the rules hereinafter contained, together with, if the workman leaves a widow or other member of his family (not being a child under the age of fifteen) wholly or partially dependent upon his earnings, and in addition leaves one or more children under the age of fifteen so dependent, an additional sum (hereinafter referred to as the children's allowance) of an amount calculated in accordance with the rules hereinafter contained, so, however, that the lump sum and children's allowance (which shall be added together and dealt with as a single sum) shall not in any case exceed in the aggregate six hundred pounds.

(2) The lump sum shall be calculated in accordance with the following rules:—

(i) If the workman leaves any dependants wholly dependent on his earnings, the lump sum shall be a sum equal to his earnings in the employment of the same employer during the three years next preceding the injury, or the sum of two hundred pounds, whichever of those sums is the larger, but not exceeding in any case three hundred pounds;

(ii) If the period of the workman's employment by the said employer has been less than the said three years, the amount of his earnings

during the said three years shall, for the purposes of the foregoing rule, be deemed to be one hundred and fifty-six times his average weekly earnings during the period of his actual employment under the said employer;

(iii) There shall be deducted from the sum as above calculated the amount of weekly payments (if any) made to the workman before his death so, however, as not to reduce the lump sum below two hundred pounds; and if such weekly payments have been redeemed under this Act, there shall also be deducted the amount paid in respect of the redemption thereof;

(iv) If the workman does not leave any dependants wholly dependent on his earnings, but leaves any dependants in part so dependent, the lump sum shall be such sum not exceeding in any case the amount payable under the foregoing rules as may be agreed upon or, in default of agreement, may be determined by arbitration under this Act to be reasonable and proportionate to the injury to the said dependants;

(v) If the workman leaves no dependants, the lump sum shall be an amount equal to the reasonable expenses of his medical attendance and burial, not exceeding fifteen pounds.

(3) The amount of the children's allowance shall be calculated in accordance with the following rules:—

(i) If both the widow or other member of the workman's family and such child or children as aforesaid were all wholly dependent on the workman's earnings, the children's allowance shall in respect of each such child be a sum equal to fifteen per cent. of the amount arrived at by multiplying the average weekly earnings of the workman, or where such earnings are less than one pound, then by multiplying one pound, or where such earnings exceed two pounds then by multiplying two pounds, by the number of weeks in the period between the death of the workman and the date when the

child will attain the age of fifteen, fractions of a week being disregarded;

(ii) If the widow or other member of the workman's family and such child or children as aforesaid, or any of them, were partially dependent on the workman's earnings, the children's allowance shall be such proportion of the sum which would have been payable under the foregoing rule if all such persons had been wholly dependent as may be agreed upon or in default of agreement as may, taking into consideration the amount of the lump sum, be determined by arbitration under this Act to be reasonable;

(iii) No deduction shall be made from the children's allowance in respect of the amount of any weekly payments which may have been made to the workman under this Act in respect of the same injury, but if such weekly payments have been redeemed the amount paid in redemption thereof, if and so far as it exceeds the lump sum payable, shall be deducted from the amount of the children's allowance as ascertained under the foregoing rules.

Amount in cases of total and partial incapacity.

9.—(1) The compensation under this Act where total or partial incapacity for work results from the injury shall be a weekly payment during the incapacity of an amount calculated in accordance with the rules hereinafter contained:

Provided that—

(*a*) if the incapacity lasts less than four weeks, no compensation shall be payable in respect of the first three days; and

(*b*) in fixing the amount of the weekly payment, regard shall be had to any payment, allowance, or benefit which the workman may receive from the employer during the period of his incapacity; and

(*c*) the weekly payment shall in no case exceed thirty shillings.

(2) The rules for calculating the weekly payment in the case of total incapacity shall be—

(i) The weekly payment shall subject to rule (ii) be a sum not exceeding fifty per cent. of the

workman's average weekly earnings during the previous twelve months, if he has been so long employed by the same employer, but if not, then for any less period during which he has been in the employment of the same employer:

(ii) Where the maximum weekly payment calculated according to rule (i) is less than twenty-five shillings, the workman shall be entitled during such total incapacity to a weekly addition equal to one-half of the difference between such maximum weekly payment and the sum of twenty-five shillings or his average weekly earnings, whichever is the less, and such addition shall, for all the purposes of this Act, be treated as if it were part of the weekly payment.

(3) The rules for calculating the weekly payment in the case of partial incapacity shall be—

(i) If the maximum weekly payment would, had the incapacity been total incapacity, have amounted to twenty-five shillings a week or upwards, the weekly payment in case of partial incapacity shall be one-half the difference between the amount of the average weekly earnings of the workman before the accident and the average weekly amount which he is earning or is able to earn in some suitable employment or business after the accident:

(ii) If the maximum weekly payment would, had the incapacity been total incapacity, have amounted with such addition, if any, as is provided by rule (ii) in the case of total incapacity, to less than twenty-five shillings, the weekly payment in case of partial incapacity shall be a sum bearing the same proportion to the said difference as the said maximum weekly payment with such addition as aforesaid bears to the amount of the average weekly earnings of the workman before the accident.

(4) If a workman who has so far recovered from the injury as to be fit for employment of a certain kind proves to the satisfaction of the judge of the county court that he has taken all reasonable steps to obtain,

and has failed to obtain, such employment, and that his failure to obtain such employment is a consequence, wholly or mainly, of the injury, the judge shall order that his incapacity shall, for the purposes of this Act, continue to be treated as total incapacity for such period, and subject to such conditions, as may be provided by the order, without prejudice however to the right of review conferred by this Act:

Provided that every such order shall be made subject to the condition that it shall cease to be in force if the workman receives unemployment benefit.

Rules for determining earnings.

10. For the purposes of the provisions of this Act relating to "earnings" and "average weekly earnings" of a workman, the following rules shall be observed:—

(i) Average weekly earnings shall be computed in such manner as is best calculated to give the rate per week at which the workman was being remunerated: Provided that where by reason of the shortness of the time during which the workman has been in the employment of his employer or the casual nature of the employment, or the terms of the employment, it is impracticable at the date of the accident to compute the rate of remuneration, regard may be had to the average weekly amount which, during the twelve months previous to the accident, was being earned by a person in the same grade employed at the same work by the same employer, or, if there is no person so employed, by a person in the same grade employed in the same class of employment and in the same district;

(ii) Where the workman had entered into concurrent contracts of service with two or more employers under which he worked at one time for one such employer and at another time for another such employer, his average weekly earnings shall be computed as if his earnings under all such contracts were earnings in the employment of the employer for whom he was working at the time of the accident;

(iii) Employment by the same employer shall be taken to mean employment by the same employer

in the grade in which the workman was employed at the time of the accident, uninterrupted by absence from work due to illness or any other unavoidable cause;

(iv) Where the employer has been accustomed to pay to the workman a sum to cover any special expenses entailed on him by the nature of his employment, the sum so paid shall not be reckoned as part of the earnings;

(v) Upon request of the workman to the employer liable to pay compensation, that employer shall furnish in writing a list of the earnings of that workman upon which the amount of the average weekly earnings may be calculated for the purpose of determining the amount of any weekly payment under this Act.

Reviews of weekly payments.

11.—(1) Any weekly payment may be reviewed at the request either of the employer or of the workman, and on such review may be ended, diminished, or increased, subject to the maximum hereinbefore in section nine provided, and the amount of payment shall, in default of agreement, be settled by arbitration under this Act.

(2) Where the workman was at the date of the accident under twenty-one years of age and the review takes place more than six months after the accident and before the workman attains the age of twenty-one years, the amount of the weekly payment may be increased to such an amount as would have been awarded if the workman had at the time of accident been earning the weekly sum which he would probably have been earning at the date of the review if he had remained uninjured.

(3) Where the review takes place more than six months after the accident, and it is claimed and proved that, had the workman remained uninjured and continued in the same class of employment as that in which he was employed at the date of the accident, his average weekly earnings during the twelve months immediately preceding the review would, as a result of fluctuations in rates of remuneration, have been greater or less by more than twenty per cent. than his average weekly earnings during the twelve months previous to the accident (or if

the weekly payment has been previously varied on a review during the twelve months previous to that review or the last of such reviews), the weekly payment shall be varied so as to make it such as it would have been if the rates of remuneration obtaining during the twelve months previous to the review had obtained during the twelve months previous to the accident.

For the purposes of this subsection "review" includes a review under the provision of any Act repealed by this Act corresponding to this section.

Limitation of power of employer to end or diminish weekly payments.

12. An employer shall not be entitled otherwise than in pursuance of an agreement or arbitration to end or diminish a weekly payment except in the following cases:—

(1) where a workman in receipt of a weekly payment in respect of total incapacity has actually returned to work;

(2) where the weekly earnings of a workman in receipt of a weekly payment in respect of partial incapacity have actually been increased;

(3) where the medical practitioner who has examined the workman under section eighteen of this Act has certified that the workman has wholly or partially recovered, or that the incapacity is no longer due in whole or in part to the accident, and a copy of the certificate (which shall set out the grounds of the opinion of the medical practitioner) together with notice of the intention of the employer at the expiration of ten clear days from the date of the service of the notice to end the weekly payment, or to diminish it by such amount as is stated in the notice, has been served by the employer upon the workman:

Provided that—

(i) in the last-mentioned case, if before the expiration of the said ten clear days the workman sends to the employer the report of a duly qualified medical practitioner (which report shall set out the grounds of his opinion) disagreeing with the certificate so served by the employer, the weekly payment shall not be ended or diminished, except in accordance with such report, or if and so far as the employer

disputes such report, except in accordance with the certificate given by the medical referee in pursuance of section nineteen of this Act; and

(ii) where an application has been made in pursuance of the said section nineteen to refer the dispute to a medical referee, it shall be lawful for the employer, pending the settlement of the dispute, to pay into court—

(*a*) where the notice was a notice to end the weekly payment, the whole of each weekly payment becoming payable in the meantime;

(*b*) where the notice was a notice to diminish the weekly payment, so much of each weekly payment so payable as is in dispute;

and the sums so paid into court shall, on the settlement of the dispute, be paid to the employer or to the workman according to the effect of the certificate of the medical referee, or, if the effect of that certificate is disputed, as in default of agreement may be determined by the registrar or, on appeal, the judge;

(iii) nothing in this section shall be construed as authorising an employer to end or diminish a weekly payment in any case in which, or to an extent to which, apart from this section, he would not be entitled to do so.

Redemption of weekly payments.

13. Where any weekly payment has been continued for not less than six months, the liability therefor may, on application by or on behalf of the employer, be redeemed by the payment of a lump sum of such an amount as, where the incapacity is permanent, would, if invested in the purchase of an immediate life annuity from the National Debt Commissioners through the Post Office Savings Bank, purchase an annuity for the workman equal to seventy-five per cent. of the annual value of the weekly payment, and as in any other case may be settled by arbitration under this Act; and such lump sum may be ordered by the committee or arbitrator

or judge of the county court to be invested or otherwise applied for the benefit of the person entitled thereto:

Provided that—

(*a*) nothing in this section shall be construed as preventing agreements being made for the redemption of a weekly payment by a lump sum; and

(*b*) the provisions of this section which fix the amount of the lump sum for which a weekly payment may be redeemed where the incapacity is permanent, shall not apply in the case where the injured workman is at the date of the application under twenty-one years of age, and where, in the case of an injured workman under the age of twenty-one, the lump sum for which the weekly payment may be redeemed is determined by arbitration, the right which if the redemption did not take place the workman would have to have the weekly payment increased on a review under subsection (2) of section eleven of this Act shall be taken into account.

Conditions of Compensation.

Requirements as to notice of accident and claim for compensation.

14.—(1) Proceedings for the recovery under this Act of compensation for an injury shall not be maintainable unless notice of the accident has been given as soon as practicable after the happening thereof and before the workman has voluntarily left the employment in which he was injured, and unless the claim for compensation with respect to such accident has been made within six months from the occurrence of the accident causing the injury, or, in case of death, within six months from the time of death:

Provided that—

(*a*) the want of or any defect or inaccuracy in such notice shall not be a bar to the maintenance of such proceedings if the employer is proved to have had knowledge of the accident from any other source at or about the time of the accident, or if it is found in the

proceedings for settling the claim that the employer is not, or would not, if a notice or an amended notice were then given and the hearing postponed, be prejudiced in his defence by the want, defect or inaccuracy, or that such want, defect or inaccuracy was occasioned by mistake, absence from the United Kingdom, or other reasonable cause; and

(*b*) the failure to make a claim within the period above specified shall not be a bar to the maintenance of such proceedings if it is found that the failure was occasioned by mistake, absence from the United Kingdom, or other reasonable cause.

(2) Notice in respect of an injury under this Act may be given either in writing or orally to the employer (or if there is more than one employer to one of such employers) or to any foreman or other official under whose supervision the workman is employed, or to any person designated for the purpose by the employer, and shall give the name and address of the person injured, and shall state in ordinary language the cause of the injury and the date at which the accident happened.

(3) The notice if in writing may be given by delivering the same at, or sending it by post in a registered letter addressed to, the residence or place of business of the person to whom it is to be given.

(4) Where the employer is a body of persons, corporate or unincorporate, the notice, if in writing, may also be given by delivering it or by sending it by post in a registered letter addressed to the employer, at the office, or, if there be more than one office, any one of the offices, of such body.

Special provisions as to notice of accident in mines, factories, &c.

15.—(1) There shall be kept constantly posted up in some conspicuous place at or near every mine, quarry, factory or workshop where it may be conveniently read by the persons employed, a summary, in such form as may be prescribed, of the requirements of this Act, with regard to the giving of notice of accidents and the making of claims and the procedure to be followed in the case of industrial diseases, and, in the event of such

summary becoming effaced, obliterated or destroyed, it shall be renewed with all reasonable dispatch.

In the event of any non-compliance with the provisions of this subsection the owner, agent or manager of the mine or quarry or the occupier of the factory or workshop shall be guilty of an offence and liable on summary conviction to a fine not exceeding five pounds, and any such proceedings may be instituted by an inspector of mines or factories.

(2) The want of, or any defect or inaccuracy in, the notice of an accident required by the last preceding section of this Act shall not be a bar to the maintenance of proceedings for the recovery of compensation under this Act where the employer is the owner of a mine or quarry or the occupier of a factory or workshop—

(*a*) if such summary as aforesaid has not been posted up in accordance with the provisions of this section; or

(*b*) if the accident has been reported by or on behalf of the employer to an inspector of mines or factories; or

(*c*) if the accident has been entered in any register of accidents kept by or on behalf of the employer at the mine, quarry, factory or workshop; or

(*d*) if the injury has been treated in an ambulance room at the mine, quarry, factory or workshop.

(3) For facilitating the giving of notice of accidents for the purposes of this Act, a book in the prescribed form shall be kept at every mine, quarry, factory or workshop, in which the prescribed particulars of accidents happening to persons employed at the mine, quarry, factory or workshop may be entered by the injured workman or some other person acting on his behalf, and an entry in such book, if made as soon as practicable after the happenings of the accident, shall be sufficient notice of the accident for the purposes of this Act.

The book shall be kept at such place as to be readily accessible at all reasonable times to any injured workman who was employed at the mine, quarry, factory or workshop, and any person bonâ fide acting on his behalf.

If in the case of any mine, quarry, factory or workshop the provisions of this subsection are not complied with, the mine, quarry, factory or workshop shall be deemed not to be managed or kept in conformity with the enactments relating thereto.

(4) For the purposes of this section, the expression "factory or workshop" shall include any works or premises to which any of the provisions of the Factory and Workshops Acts, 1901 to 1920, apply; and the expression "prescribed" means prescribed by the Secretary of State.

Conditions as to residence.

16.—(1) If a workman receiving a weekly payment ceases to reside in the United Kingdom, the Channel Islands, or the Isle of Man, he shall thereupon cease to be entitled to receive any weekly payment, unless the medical referee certifies that the incapacity resulting from the injury is likely to be of a permanent nature.

(2) If the medical referee so certifies, the workman shall be entitled to receive quarterly the amount of the weekly payments accruing due during the preceding quarter so long as he proves, in such manner and at such intervals as may be prescribed by rules of court, his identity and the continuance of the incapacity in respect of which the weekly payment is payable.

Conditions as to submission to medical examination in first instance.

17. Where a workman has given notice of an accident, or where an accident has occurred in respect of which the necessity of giving notice under this Act is dispensed with, he shall, if so required by the employer, submit himself for examination by a duly qualified medical practitioner provided and paid by the employer, and, if he refuses to submit himself to such examination, or in any way obstructs the same, his right to compensation, and to take or prosecute any proceeding under this Act in relation to compensation, shall be suspended until such examination has taken place.

Periodical submission to medical examination.

18. Any workman receiving weekly payments under this Act shall, if so required by the employer, from time to time submit himself for examination by a duly qualified medical practitioner provided and paid by the employer. If the workman refuses to submit himself to such examination, or in any way obstructs the same, his right to such weekly payments shall be suspended until such examination has taken place.

Provisions as to submission to medical examination.

19.—(1) A workman shall not be required to submit himself for examination by a medical practitioner under either of the two last preceding sections otherwise than in accordance with regulations made by the Secretary of State, or at more frequent intervals than may be prescribed by those regulations.

(2) Where a workman has so submitted himself for examination by a medical practitioner, or has been examined by a medical practitioner selected by himself, and the employer or the workman, as the case may be, has within six days after such examination furnished the other with a copy of the report of that practitioner as to the workman's condition, then, in the event of no agreement being come to between the employer and the workman as to the workman's condition or fitness for employment, the registrar of a county court, on application being made to the court by both parties, or, subject to appeal to the judge, by one of the parties, may refer the matter to a medical referee:

Provided that where the application is made by only one of the parties, the registrar, or on appeal the judge, if he is of opinion that, owing to the exceptional difficulty of the case or for any other sufficient reason, the matter ought to be settled in default of agreement by arbitration, shall refuse to allow the reference.

(3) The medical referee to whom the matter is so referred shall, in accordance with regulations made by the Secretary of State, give a certificate as to the condition of the workman and his fitness for employment, specifying, where necessary, the kind of employment for which he is fit, and that certificate shall be conclusive evidence as to the matters so certified.

(4) Where no agreement can be come to between the employer and the workman as to whether or to what extent the incapacity of the workman is due to the accident, the provisions of this section shall, subject to any regulations made by the Secretary of State, apply as if the question were a question as to the condition of the workman.

(5) If a workman, on being required so to do, refuses to submit himself for examination by a medical referee to whom the matter has been so referred as aforesaid,

or in any way obstructs the same, his right to compensation and to take or prosecute any proceeding under this Act in relation to compensation, or, in the case of a workman in receipt of a weekly payment, his right to that weekly payment, shall be suspended until such examination has taken place.

(6) Rules of court may be made for prescribing the manner in which documents are to be furnished or served and applications made under this section and the forms to be used for those purposes.

Provision as to suspension of right to compensation.

20. Where under this Act a right to compensation is suspended no compensation shall be payable in respect of the period of suspension.

Procedure for determining Compensation and settling Questions.

Procedure for settling questions.

21.—(1) If any question arises in any proceedings under this Act as to the liability to pay compensation under this Act (including any question as to whether the person injured is a workman to whom this Act applies), or as to the amount or duration of compensation under this Act, or, except as otherwise expressly provided, to the right to or amount of any indemnity under this Act, the question, if not settled by agreement, shall, subject to the provisions of this Act, be settled by the arbitration of a representative committee, or of an arbitrator, or of a judge of county courts in accordance with the First Schedule to this Act.

(2) Any question as to who is a dependant shall, in default of agreement, be settled by arbitration under this Act, or, if not so settled before payment into court under this Act, shall be settled by the county court, and the amount payable to each dependant shall be settled by arbitration under this Act, or, if not so settled before payment into court under this Act, by the county court.

Power to vary awards.

22. Where, on application being made in accordance with rules of court, it appears to a county court that, on account of neglect of children on the part of a widow, or on account of the variation of the circumstances of the various dependants, or for any other sufficient cause, an order of the court or an award as to the apportionment

amongst the several dependants of any sum paid as compensation, or as to the manner in which any sum payable to any such dependant is to be invested, applied, or otherwise dealt with, ought to be varied, the court may make such order for the variation of the former order or the award, as in the circumstances of the case the court may think just.

Registration of agreements and awards.

23.—(1) Where the amount of compensation under this Act has been ascertained, or any weekly payment varied, or any other matter decided under this Act, either by a committee or by an arbitrator or by agreement, a memorandum thereof shall be sent, in manner prescribed by rules of court, by the committee or arbitrator, or by any party interested, to the registrar of the county court, who shall, subject to such rules and subject to the provisions hereinafter contained, on being satisfied as to its genuineness, record such memorandum in a special register, and thereupon the memorandum shall for all purposes be enforceable as a county court judgment:

Provided that—

(*a*) no such memorandum shall be recorded before seven days after the despatch by the registrar of notice to the parties interested; and

(*b*) where a workman seeks to record a memorandum of agreement between his employer and himself for the payment of compensation under this Act and the employer, in accordance with rules of court, proves that the workman has in fact returned to work and is earning the same wages as he did before the accident, and objects to the recording of such memorandum, the memorandum shall only be recorded, if at all, on such terms as the judge of the county court, under the circumstances, may think just.

(2) The judge of the county court may at any time rectify the register.

(3) Where a memorandum of an agreement for the payment of a lump sum is so sent for registration, the registrar, and if in pursuance of this Act the matter

is referred to the judge, the judge of the county court, shall have power, in accordance with rules of court,—

(*a*) to require either party to the agreement to furnish him either orally or in writing with such information as he may consider necessary, or to require the attendance of any of the parties to the agreement before him;

(*b*) when the information as to the workman's condition appears to him to be insufficient or conflicting, to require a report as to the workman's condition to be obtained from a medical referee;

and in the event of either of the parties failing to comply with any such requirement of the registrar, the registrar may refuse to record the memorandum and refer the matter to the judge, who shall have power to make such order as he may in the circumstances think just.

(4) Where it appears from any such report of a medical referee that the prospects of the workman's recovery from incapacity cannot as yet be approximately determined, the registrar, or on appeal the judge, may refuse to record the memorandum.

(5) Any agreement for the payment of a lump sum shall disclose the amount (if any) paid or payable under or in respect of the agreement by the employer to the solicitor of the workman or his dependants as costs, and, if it appears to the registrar that the amount is excessive, the registrar may direct that the bill of costs be submitted to him for taxation, and thereupon the registrar shall, subject to review by the judge, tax such costs in accordance with rules of court; and if the costs are reduced on such taxation, the amount of such reduction shall either be applied or dealt with for the benefit of the workman or his dependants, or paid to the employer, or otherwise dealt with as the judge may direct.

(6) The approved society or committee by which sickness or disablement benefit under the National Insurance Act, 1924, payable to the workman is administered, shall be entitled to send to the registrar objections to the registration of an agreement for the payment of a lump sum, and, in the event of the attendance of any of the parties to the agreement being required, shall be

14 & 15 Geo. 5. c. 38.

entitled to appear before the registrar, or, if the matter is referred to the judge, before the judge.

(7) Rules of court may be made providing that in any case where in connection with an application for the registration of any such agreement as aforesaid there is a hearing before the registrar or the judge, or a report from the medical referee is required to be obtained, the registrar or judge shall have the power of awarding costs.

Registration of composition agreements.

24. Where the person against whom a claim for compensation is made under this Act disputes his liability to pay compensation, but makes an agreement (in this Act referred to as a composition agreement) whereby in consideration of the payment of a lump sum the claim for such compensation purports to be precluded, the agreement shall be sent for registration in like manner and subject to the like conditions as in the case of an agreement for the redemption of a weekly payment by a lump sum.

Invalidity of certain agreements unless registered.

25.—(1) An agreement as to the redemption of weekly payments by a lump sum, if not registered in accordance with this Act, shall not, nor shall the payment of the sum payable under the agreement, exempt a person by whom the weekly payment is payable from liability to continue to make that weekly payment, unless he proves that the failure to register was not due to any neglect or default on his part.

(2) An agreement as to the amount of compensation to be paid to a person under a legal disability or to dependants, if not registered in accordance with this Act shall not, nor shall the payment of the sum payable under the agreement, exempt a person by whom the compensation is payable from liability to pay compensation unless he proves that the failure to register was not due to any neglect or default on his part.

(3) A composition agreement if not registered in accordance with this Act shall not, nor shall the payment of any sum payable thereunder, exempt the employer from liability under this Act.

(4) Where it appears to the registrar of the county court on any information which he considers sufficient

that an agreement to which this section applies ought not to be registered by reason of the inadequacy of the sum or amount agreed to be paid, or by reason of the agreement having been obtained by fraud or undue influence or other improper means, he may refuse to record the memorandum of the agreement sent to him for registration and refer the matter to the judge, who shall in accordance with rules of court make such order (including an order as to any sum already paid under the agreement) as in the circumstances he may think just:

Provided that in the case of a composition agreement in determining whether or not the sum agreed to be paid under the agreement is adequate the registrar, or if the matter is referred to the judge, the judge, shall have regard to the question whether or not liability to pay compensation under this Act is doubtful.

(5) The judge may within six months after a memorandum of an agreement to which this section applies has been recorded in the register order that the record be removed from the register on proof to his satisfaction that the agreement has been obtained by fraud or undue influence or other improper means, and may make such order (including an order as to any sum already paid under the agreement) as in the circumstances he may think just.

Payments into court.

26.—(1) The compensation payable in the case of death shall, unless otherwise ordered, as hereinafter provided, be paid into the county court:

Provided that if so agreed the compensation in the case of death shall, if the workman leaves no dependants, be paid to his legal personal representative or, if he has no such representative, to the person to whom the expenses of medical attendance and burial are due.

(2) Where a weekly payment is payable under this Act to a person under any legal disability, the county court may, on an application being made in accordance with rules of court, order that the weekly payment be paid during the disability into court.

(3) The provisions of the Second Schedule to this Act shall have effect with respect to money paid into

court under this Act and the application and investment thereof.

Provisions as to county courts.

27.—(1) Where any matter under this Act is to be done in a county court, or by, to, or before the judge or registrar of a county court, then, unless the contrary intention appear, the same shall, subject to rules of court, be done in, or by, to, or before the judge or registrar of, the county court of the district in which all the parties concerned reside, or if they reside in different districts the district prescribed by rules of court, without prejudice to any transfer in manner provided by rules of court.

(2) The duty of a judge of county courts under this Act, or in England of an arbitrator appointed by him, shall, subject to rules of court, be part of the duties of the county court, and the officers of the court shall act accordingly, and rules of court may be made both for any purpose for which this Act authorises rules of court to be made, and also generally for carrying into effect this Act so far as it affects the county court, or an arbitrator appointed by the judge of the county court, and proceedings in the county court or before any such arbitrator, and such rules may, in England, be made by the five judges of county courts appointed for the making of rules under section one hundred and sixty-four of the County Courts Act, 1888, and when allowed by the Lord Chancellor, as provided by that section, shall have full effect without any further consent.

51 & 52 Vict. c. 43.

Extension of power of representative committees.

28. The Secretary of State may, by order, either unconditionally or subject to such conditions or modifications as he may think fit, confer on any committee representative of an employer and his workmen, as respects any matter in which the committee act as arbitrators, or which is settled by agreement submitted to and approved by the committee, all or any of the powers conferred by this Act exclusively on county courts or judges of county courts, and may by the order provide how and to whom the compensation money is to be paid in cases where, but for the order, the money would be required to be paid into court, and the order may exclude from the operation of subsections (4) and (5) of section twenty-five of this Act agreements sub-

mitted to and approved by the committee, and may contain such incidental, consequential, or supplemental provisions as may appear to the Secretary of State to be necessary or proper for the purposes of the order.

Alternative remedies, &c.

Remedies independently of Act against employer.

29.—(1) When the injury was caused by the personal negligence or wilful act of the employer or of some person for whose act or default the employer is responsible, nothing in this Act shall affect any civil liability of the employer, but in that case the workman may, at his option, either claim compensation under this Act or take proceedings independently of this Act; but the employer shall not be liable to pay compensation for injury to a workman by accident arising out of and in the course of the employment both independently of and also under this Act, and shall not be liable to any proceedings independently of this Act, except in case of such personal negligence or wilful act as aforesaid.

(2) If, within the time hereinbefore limited for taking proceedings under this Act, an action is brought to recover damages independently of this Act for injury caused by an accident, and it is determined in such action or on appeal that the injury is one for which the employer is not liable in such action, but that he would have been liable to pay compensation under the provisions of this Act, the action shall be dismissed; but the court in which the action is tried, or, if the determination is the determination (on an appeal by either party) by an appellate tribunal, that tribunal, shall, if the plaintiff so choose, proceed to assess such compensation, but may deduct from such compensation all or part of the costs, which, in its judgment, have been caused by the plaintiff bringing the action instead of proceeding under this Act. In any proceeding under this subsection, when the court or appellate tribunal assesses the compensation, it shall give a certificate of the compensation it has awarded and the directions it has given as to the deduction of costs, and such certificate shall have the force and effect of an award under this Act :

Provided that an appellate tribunal may, instead of itself assessing such compensation, remit the case to the county court for the assessment of the compensation, and in such case may order the county

court to deduct from the amount of compensation assessed by it all or part of such costs as aforesaid.

Remedies both against employer and stranger.

30. Where the injury for which compensation is payable under this Act, or any scheme certified under this Act, was caused under circumstances creating a legal liability in some person other than the employer to pay damages in respect thereof—

(1) The workman may take proceedings both against that person to recover damages and against any person liable to pay compensation under this Act or such scheme for such compensation, but shall not be entitled to recover both damages and compensation; and

(2) If the workman has recovered compensation under this Act or such scheme, the person by whom the compensation was paid, and any person who has been called on to pay an indemnity under section six of this Act relating to liability in case of workmen employed by contractors, shall be entitled to be indemnified by the person so liable to pay damages as aforesaid, and all questions as to the right to and amount of any such indemnity shall, in default of agreement, be settled by action, or, by consent of the parties, by arbitration under this Act.

Substitution of liability under scheme for liability under Act.

31.—(1) If the Registrar of Friendly Societies, after taking steps to ascertain the views of the employer and workmen, certifies—

(*a*) that any scheme of compensation, benefit or insurance for the workmen of an employer in any employment, whether or not such scheme includes other employers and their workmen, provides scales of compensation not less favourable to the workmen and their dependants than the corresponding scales contained in this Act, and

(*b*) that, where the scheme provides for contributions by the workmen, the scheme confers benefits at least equivalent to those contributions, in addition to the benefits to which the workmen would have been entitled under this Act; and

(c) that a majority (to be ascertained by ballot) of the workmen to whom the scheme is applicable are in favour of such scheme;

the employer may, whilst the certificate is in force, contract with any of his workmen that the provisions of the scheme shall be substituted for the provisions of this Act, and thereupon the employer shall be liable in respect of those workmen only in accordance with the scheme.

(2) The Registrar may give a certificate to expire at the end of a limited period of five years, and may from time to time renew with or without modifications such a certificate to expire at the end of the period for which it is renewed.

(3) No scheme shall be so certified which contains an obligation upon the workmen to join the scheme as a condition of their hiring, or which does not contain provisions enabling a workman to withdraw from the scheme.

(4) The Registrar shall not certify, or renew a certificate of, any such scheme unless he is satisfied that adequate provision is made to secure the discharge of liabilities arising under the scheme, both during the currency of the scheme and after the scheme is revoked or expires, so far as there may be any liabilities outstanding at the date of revocation or expiry.

(5) If complaint is made to the Registrar by or on behalf of the workmen of any employer that the benefits conferred by any scheme no longer conform to the conditions stated in subsection (1) of this section, or that the provisions of such scheme are being violated, or that the scheme is not being fairly administered, or that satisfactory reasons exist for revoking the certificate, the Registrar shall examine into the complaint, and, if satisfied that good cause exists for such complaint, shall, unless the cause of complaint is removed, revoke the certificate.

(6) When a certificate is revoked or expires, any moneys or securities held for the purpose of the scheme shall, after due provision has been made to discharge the liabilities already accrued, be distributed as may be arranged between the employer and workmen, or as may

be determined by the Registrar in the event of a difference of opinion.

(7) Whenever a scheme has been certified as aforesaid, it shall be the duty of the employer to answer all such inquiries and to furnish all such accounts in regard to the scheme as may be made or required by the Registrar.

(8) Where a scheme certified under this Act provides for payment of compensation by a friendly society, the provisions of the proviso to the first subsection of section eight, section sixteen, and section forty-one of the Friendly Societies Act, 1896, shall not apply to such society in respect of such scheme.

(9) The Chief Registrar of Friendly Societies shall include in his annual report the particulars of the proceedings of the Registrar under this Act.

(10) The Chief Registrar of Friendly Societies may make regulations for the purpose of carrying this section into effect.

Saving as respects fines under Mines and Factories Acts.

32. Nothing in this Act shall affect any proceeding for a fine under the enactments relating to mines, factories or workshops, or the application of any such fine.

Application to special Classes of Persons.

Application to workmen in employment of Crown.

33.—(1) This Act shall not apply to persons in the naval or military or air service of the Crown, but otherwise shall apply to workmen employed by or under the Crown to whom this Act would apply if the employer were a private person:

Provided that in the case of a person employed in the private service of the Crown, the head of that department of the Royal Household in which he was employed at the time of the accident shall be deemed to be his employer.

(2) The Treasury may, by warrant laid before Parliament, modify for the purposes of this Act their warrant made under section one of the Superannuation Act, 1887, and notwithstanding anything in that Act, or any such warrant, may frame schemes with a view to

50 & 51 Vict. c. 67.

their being certified by the Registrar of Friendly Societies under this Act.

Application to men being trained or engaged in rescue work in mines. 1 & 2 Geo. 5. c. 50.

34.—(1) When provision has been made in pursuance of regulations under the Coal Mines Act, 1911, or under any order which has effect as if made under that Act, for the formation or training of a rescue brigade, any accident caused to a workman employed in or about a mine to which that Act applies, who is with the consent of his employer being trained as a member of the rescue brigade, and arising out of and in the course of his training, shall, for the purposes of this Act, be deemed to arise out of and in the course of his employment in the mine.

(2) Any workman engaged in any rescue work or ambulance work at any such mine shall, for the purposes of this Act, be deemed while so engaged to be employed by the owner of the mine, as defined by the Coal Mines Act, 1911.

Application of Act to person employed on ships.

35.—(1) This Act shall apply to masters, seamen and apprentices to the sea service and apprentices in the sea-fishing service, provided that such persons are workmen within the meaning of this Act, and are members of the crew of any ship registered in the United Kingdom, or of any other British ship or vessel of which the owner, of (if there is more than one owner) the managing owner, or manager resides or has his principal place of business in the United Kingdom, subject to the following modifications:—

(*a*) The notice of accident and the claim for compensation may, except where the person injured is the master, be given to the master of the ship as if he were the employer, but where the accident happened and the incapacity commenced on board the ship it shall not be necessary to give any notice of the accident:

(*b*) The provisions of subsection (1) of section fifteen of this Act (other than those relating to the institution of proceedings by an inspector of mines or factories) shall apply to ships and the masters thereof in like manner as it applies to factories and the occupiers thereof:

(*c*) In the case of the death of the master, seaman or apprentice, the claim for compensa-

tion shall be made within six months after news of the death has been received by the claimant:

(*d*) Where an injured master, seaman or apprentice is discharged or left behind in a British possession or in a foreign country, depositions respecting the circumstances and nature of the injury may be taken by any judge or magistrate in the British possession, and by any British consular officer in the foreign country, and if so taken shall be transmitted by the person by whom they are taken to the Board of Trade, and such depositions or certified copies thereof shall in any proceedings for enforcing the claim be admissible in evidence as provided by sections six hundred and ninety-one and six hundred and ninety-five of the Merchant Shipping Act, 1894, and those sections shall apply accordingly:

57 & 58 Vict. c. 60.

(*e*) In the case of the death of a master, seaman or apprentice, leaving no dependants, no compensation shall be payable, if the owner of the ship is under the Merchant Shipping Act, 1894, liable to pay the expenses of burial:

(*f*) The weekly payment shall not be payable in respect of the period during which the owner of the ship is, under the Merchant Shipping Act, 1894, as amended by any subsequent enactment, or otherwise, liable to defray the expenses of maintenance of the injured master, seaman or apprentice:

(*g*) Any sum payable by way of compensation by the owner of a ship under this Act shall be paid in full notwithstanding anything in section five hundred and three of the Merchant Shipping Act, 1894 (which relates to the limitation of a shipowner's liability in certain cases of loss of life, injury or damage), but the limitation on the owner's liability imposed by that section shall apply to the amount recoverable by way of indemnity under section thirty of this Act (relating to remedies both against employer and stranger) as if the indemnity were damages for loss of life or personal injury:

(*h*) Subsections (2) and (3) of section one hundred and seventy-four of the Merchant Shipping Act, 1894 (which relates to the recovery of wages of seamen lost with their ship), shall apply as respects proceedings for the recovery of compensation by dependants of masters, seamen and apprentices lost with their ship as they apply with respect to proceedings for the recovery of wages due to seamen and apprentices; and proceedings for the recovery of compensation shall in such a case be maintainable if the claim is made within eighteen months of the date at which the ship is deemed to have been lost with all hands.

(2) This Act shall not apply to such members of the crew of a fishing vessel as are remunerated wholly or mainly by shares in the profits or the gross earnings of the working of such vessel, except in such cases and subject to such modifications as the Secretary of State may by order provide:

Provided that no such order shall come into force until it has been laid before each House of Parliament for a period of not less than twenty-one days during which the House has sat, and, if either House before the expiration of those twenty-one days presents an address to His Majesty against the order or any part thereof, no further proceedings shall be taken thereon, but without prejudice to the making of a new order.

(3) This section shall extend to pilots to whom the Pilotage Act, 1913, applies, as if a pilot when employed on any such ship as aforesaid were a seaman and a member of the crew. 2 & 3 Geo. 5. c. 31.

(4) This Act shall also apply to any person, not being a master, seaman or apprentice to the sea service or the sea fishing service, employed on board any such ship as is mentioned in this section, if he is so employed for the purposes of the ship or of any passengers or cargo or mails carried by the ship, and if he is otherwise a workman within the meaning of this Act.

Power to extend Act to aircraft out-

36.—(1) The Secretary of State may by order extend the provisions of this Act, subject to such modifications and exceptions as may be specified in the order, to such persons, being workmen within the

side Great Britain.

meaning of this Act, employed as pilot, commander, navigator, or member of the crew of any aircraft to which this section applies when outside Great Britain, in such circumstances as may be specified in the order.

(2) The aircraft to which this section applies are aircraft registered in the United Kingdom the owner of which resides or has his principal place of business in Great Britain.

(3) An order under this section shall not come into force until it has been laid before each House of Parliament for a period of not less than twenty-one days during which that House has sat, and if during that period either House presents an address to His Majesty against the order or any part thereof, no further proceedings shall be taken thereon, but without prejudice to the making of a new order.

Power to make Orders in Council for giving effect to conventions with Foreign States.

37.—(1) For the purpose of giving effect to any Convention with a Foreign State providing for reciprocity in matters relating to compensation to workmen for injuries by accident, it shall be lawful for His Majesty by Order in Council to make provision—

(*a*) for modifying this Act in its application to cases affected by the Convention, so, however, as not to alter the amount of compensation in any case to which this Act may apply;

(*b*) for determining, in cases where rights to compensation accrue both under this Act and under the law of the State with which the Convention is made, under the law of which country the workman shall be entitled to recover compensation;

(*c*) for conferring on county courts powers for the admission of evidence taken abroad and the procuring and taking of evidence for use abroad, or otherwise for the purpose of facilitating proceedings for the recovery of compensation under the respective laws of the two countries.

(2) If the Convention extends to Northern Ireland, the provisions of this section shall extend to the enactments regulating the payment of compensation to workmen for injuries by accident for the time being in force in Northern Ireland.

(3) In particular, but without derogating from the generality of the foregoing provisions of this section, any such Order in Council may make such modifications in this Act in its application to workmen who are French citizens as appear to His Majesty to be necessary to give effect to a convention between His Majesty and the President of the French Republic signed at Paris on the third day of July, nineteen hundred and nine, and this Act shall apply to such workmen subject to the modifications contained in the Order.

Administrative Provisions.

Appointment and remuneration of medical referees and arbitrators.

38.—(1) The Secretary of State may appoint such legally qualified medical practitioners to be medical referees for the purposes of this Act as he may, with the sanction of the Treasury, determine, and the remuneration of, and other expenses incurred by, medical referees under this Act shall, subject to regulations made by the Treasury and except so far as they are defrayed by fees received from the parties under this Act, be paid out of moneys provided by Parliament.

Where a medical referee has been employed as a medical practitioner in connection with any case by or on behalf of an employer or workman or by any insurers interested, he shall not act as medical referee in that case.

(2) The remuneration of an arbitrator appointed by a judge of county courts under the First Schedule to this Act shall be paid out of moneys provided by Parliament in accordance with regulations made by the Treasury.

Detention of ships.

39.—(1) If it is alleged that the owners of any ship are liable as such owners to pay compensation under this Act, or any corresponding enactment for the time being in force in Northern Ireland, and at any time that ship is found in any port or river of England or Northern Ireland, or within three miles of the coast thereof, a judge of any court of record in England or Northern Ireland may, upon its being shown to him by any person applying in accordance with the rules of the court that the owners are probably liable as such to pay such compensation, and that none of the owners reside in Great Britain or Northern Ireland, issue an

order directed to any officer of customs or other officer named by the judge requiring him to detain the ship until such time as the owners, agent, master, or consignee thereof have paid such compensation, or have given security, to be approved by the judge, to abide the event of any proceedings that may be instituted to recover such compensation and to pay such compensation and costs as may be awarded thereon; and any officer of customs or other officer to whom the order is directed shall detain the ship accordingly.

(2) In any legal proceeding to recover such compensation, the person giving security shall be made defendant, and the production of the order of the judge, made in relation to the security, shall be conclusive evidence of the liability of the defendant to the proceeding.

(3) Where a complaint is made to the Secretary of State that before an application can be made under this section the ship in respect of which the application is to be made will have departed from the limits within which she can be arrested, the ship shall, if the Secretary of State so directs, be detained for such time as will allow the application to be made and the result thereof to be communicated to the officer detaining the ship, and that officer shall not be liable for any costs or damages in respect of the detention, if made in accordance with the directions of the Secretary of State.

(4) Section six hundred and ninety-two of the Merchant Shipping Act, 1894, shall apply to the detention of a ship under this Act as it applies to the detention of a ship under that Act, and, if the owner of a ship is a corporation, it shall for the purposes of this section be deemed to reside in the United Kingdom if it has an office in the United Kingdom at which service of writs can be effected.

(5) Where a ship has been demised to charterers, the provisions of this section shall apply to claims against the charterers of the ship as they apply to claims against the owners of a ship with the substitution of charterers for owners:

Provided that no ship shall be detained on a claim against the charterers of the ship after the expiration of the term for which the ship is demised to them.

(6) The foregoing provisions of this section shall extend to Northern Ireland.

(7) Without prejudice to any other means of enforcing claims in Scotland, this section shall, with the substitution of references to the sheriff for references to a judge of any court of record in England, apply to a ship found in any port or river of Scotland, or within three miles of the coast thereof, in like manner as it applies to a ship found in any port or river of England or within three miles of the coast thereof.

Prohibition against charging or assigning weekly payments.

40. A weekly payment payable under this Act or any scheme certified under this Act, or a sum paid by way of redemption thereof, shall not be capable of being assigned, charged, or attached, and shall not pass to any other person by operation of law, nor shall any claim be set off against the same.

Repayment of poor relief.

41. Where an authority has granted out-door relief to a person pending the settlement of his claim to compensation under this Act or any scheme certified thereunder, and either—

(*a*) such relief would not have been granted had the person then received or been in receipt of compensation under this Act; or

(*b*) such relief is in excess of the amount which would have been granted had the person then received or been in receipt of such compensation;

the authority may give notice of the relief so provided to the person liable to pay the compensation, and if such notice is given the person so liable shall on demand, and on being furnished with a certificate by the authority of the amount of the relief so provided or of the amount of such excess, as the case may be, repay to the authority, up to the amount which he is liable to pay as compensation, less such part (if any) of that amount as he has already duly paid at the time of receiving the notice aforesaid, the amount of the relief or of the excess certified as aforesaid, and the receipt of the authority shall, up to the amount of the repayment, be a full and valid discharge to that person in respect of the compensation payable by him to the person relieved:

Provided that, if the person so liable to pay compensation gives to the authority by which such notice as

aforesaid is given notice that he intends to pay, or that he has paid, compensation, he shall not be under any obligation to make any repayment in respect of any relief provided after the date of the payment of the compensation or after the time at which the notice so given is received by the authority, whichever is the later.

Returns as to compensation.

42.—(1) Every employer in any industry to which the Secretary of State may direct that this section shall apply shall, on or before such day in every year as the Secretary of State may direct, send to the Secretary of State a correct return specifying the number of injuries in respect of which compensation has been paid by him under this Act during the previous year, and the amount of such compensation, together with such other particulars as to the compensation as the Secretary of State may direct, and in default of complying with this section shall be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding five pounds.

(2) Any regulations made by the Secretary of State containing such directions as aforesaid shall be laid before both Houses of Parliament as soon as may be after they are made.

PART II.

APPLICATION TO CERTAIN INDUSTRIAL DISEASES.

Application of Act to industrial diseases. 1 Edw. 7. c. 22.

43.—(1) Where—

(i) the certifying surgeon appointed under the Factory and Workshop Act, 1901, for the district in which a workman is employed certifies that the workman is suffering from a disease mentioned in the Third Schedule to this Act and is thereby disabled from earning full wages at the work at which he was employed; or

(ii) a workman is, in pursuance of any special rules or regulations made under the Factory and Workshop Act, 1901, suspended from his usual employment on account of having contracted any such disease; or

(iii) the death of a workman is caused by any such disease;

and the disease is due to the nature of any employment in which the workman was employed at any time within the twelve months previous to the date of the disablement or suspension, whether under one or more employers, he or his dependants shall be entitled to compensation under this Act as if the disease or such suspension as aforesaid were a personal injury by accident arising out of and in the course of that employment, subject to the following modifications :—

(*a*) The disablement or suspension shall be treated as the happening of the accident;

(*b*) If it is proved that the workman has at the time of entering the employment wilfully and falsely represented himself in writing as not having previously suffered from the disease, compensation shall not be payable;

(*c*) The compensation shall be recoverable from the employer who last employed the workman during the said twelve months in the employment to the nature of which the disease was due:

Provided that—

(i) the workman or his dependants if so required shall furnish that employer with such information as to the names and addresses of all the other employers who employed him in the employment during the said twelve months as he or they may possess, and, if such information is not furnished, or is not sufficient to enable that employer to take proceedings under the next following proviso, that employer upon proving that the disease was not contracted whilst the workman was in his employment shall not be liable to pay compensation; and

(ii) if that employer alleges that the disease was in fact contracted whilst the workman was in the employment of some other employer, and not whilst in his employment, he may join such other employer as a party to the arbitration, and if the allegation is proved that other employer shall be the employer from whom the compensation is to be recoverable; and

(iii) if the disease is of such a nature as to be contracted by a gradual process, any other employers who during the said twelve months employed the workman in the employment to the nature of which the disease was due shall be liable to make to the employer from whom compensation is recoverable such contributions as, in default of agreement, may be determined in the arbitration under this Act for settling the amount of the compensation, or, if the amount of compensation is not in dispute, as may be determined by arbitration under this Act.

(*d*) The amount of the compensation shall be calculated with reference to the earnings of the workman under the employer from whom the compensation is recoverable;

(*e*) The employer to whom notice of the death, disablement or suspension is to be given shall be the employer who last employed the workman during the said twelve months in the employment to the nature of which the disease was due, and the notice may be given notwithstanding that the workman has voluntarily left his employment;

(*f*) If an employer or a workman is aggrieved by the action of a certifying or other surgeon in giving or refusing to give a certificate of disablement or in suspending or refusing to suspend a workman for the purposes of this section, the matter shall in accordance with regulations made by the Secretary of State be referred to a medical referee, whose decision shall be final, and the medical referee when deciding the matter shall also certify as to the condition of the workman at the time when he is examined by him, and such certificate by the medical referee shall be conclusive.

(2) For the purposes of this section the date of disablement shall be such date as the certifying surgeon certifies as the date on which the disablement

commenced, or, if he is unable to certify such a date, the date on which the certificate is given :

Provided that—

(*a*) Where the medical referee allows an appeal against a refusal by a certifying surgeon to give a certificate of disablement, the date of disablement shall be such date as the medical referee may determine :

(*b*) Where a workman dies without having obtained a certificate of disablement, or is at the time of death not in receipt of a weekly payment on account of disablement, it shall be the date of death.

(3) The Secretary of State may make orders for extending the provisions of this section to other diseases and other processes, and to injuries due to the nature of any employment specified in the order not being injuries by accident, either without modification or subject to such modifications as may be contained in the order.

(4) Nothing in this section shall affect the rights of a workman to recover compensation in respect of a disease to which this section does not apply, if the disease is a personal injury by accident within the meaning of this Act.

Supplemental provisions as to industrial diseases.

44.—(1) If the workman at or immediately before the date of such disablement or suspension as aforesaid, was employed in any process mentioned in the second column of the Third Schedule to this Act, and the disease contracted is the disease in the first column of that Schedule set opposite the description of the process, the disease, except where the certifying surgeon certifies that in his opinion the disease was not due to the nature of the employment, shall be deemed to have been due to the nature of that employment unless the employer proves the contrary.

(2) Where a workman claims to be suffering from and disabled by a disease to which the foregoing provisions of this Part of this Act apply, the employer may agree with the workman that he is liable to pay compensation without requiring the workman to obtain the

certificate of the certifying surgeon mentioned in those provisions, and thereupon the workman shall be entitled to compensation as for injury by accident from the date of the agreement or from such other date as may be agreed.

Any such agreement may be recorded in the manner provided by section twenty-three of this Act, and shall be enforceable against the employer in like manner and subject to the same provisions as an agreement to pay compensation in case of an injury by accident.

(3) In such cases, and subject to such conditions as the Secretary of State may direct, a medical practitioner appointed by the Secretary of State for the purpose shall have the powers and duties of a certifying surgeon under the foregoing provisions of this Part of this Act, and those provisions shall be construed accordingly.

(4) The Secretary of State may make rules regulating the duties and fees of certifying and other surgeons (including dentists) under the foregoing provisions of this Part of this Act.

Mutual insurance of employers engaged in industries.

45.—(1) Where, after inquiry held on the application of any employers or workmen engaged in any industry to which the foregoing provisions of this Part of this Act apply, it appears that a mutual trade insurance company or society for insuring against the risks under those provisions has been established for the industry, and that a majority of the employers engaged in that industry are insured against such risks in the company or society and that the company or society consents, the Secretary of State may, by Provisional Order require all employers in that industry to insure in the company or society upon such terms and under such conditions and subject to such exceptions as may be set forth in the Order.

(2) Where such a company or society has been established but is confined to employers in any particular locality or of any particular class, the Secretary of State may for the purposes of this section treat the industry, as carried on by employers in that locality or of that class, as a separate industry.

(3) A Provisional Order made under this section shall be of no force whatever unless and until it is con-

firmed by Parliament, and if, while the Bill confirming any such Order is pending in either House of Parliament, a petition is presented against the Order, the Bill may be referred to a Select Committee, and the petitioner shall be allowed to appear and oppose as in the case of Private Bills, and any Act confirming any Provisional Order under this section may be repealed, altered or amended by a Provisional Order made and confirmed in like manner.

Expenses of Secretary of State.

46. Any expenses incurred by the Secretary of State in respect of any Order, Provisional Order, or confirming Bill under the foregoing provisions of this Part of this Act shall be defrayed out of moneys provided by Parliament.

Power by scheme to apply Act to workmen suffering from silicosis

47.—(1) The Secretary of State may by scheme provide for the payment of compensation by the employers of workmen in any specified industry or process or group of industries or processes involving exposure to silica dust—

(*a*) who are certified in such manner as may be prescribed by the scheme to have suffered death or total disablement from the disease known as fibroid phthisis or silicosis of the lungs (in this section referred to as silicosis) or from that disease accompanied by tuberculosis; or

(*b*) who, though not totally disabled, are found on medical examination to be suffering from silicosis, or from silicosis accompanied by tuberculosis, to such a degree as to make it dangerous to continue work in the industry or process, and are for that reason suspended from employment.

(2) The scale of compensation fixed by the scheme in the case of death or total disablement due to silicosis or silicosis accompanied by tuberculosis shall be that prescribed by this Act and in any other case shall be such as may be prescribed by the scheme.

(3) Provision may be made by the scheme—

(*a*) for the establishment of a general compensation fund, to be administered either through a mutual trade insurance company or society of

employers, or in such other manner as may be provided by the scheme;

(*b*) for requiring employers to subscribe to the fund, and for the recovery of such subscriptions, and for the payment and recovery out of the fund of all compensation under the scheme, and of any expenses arising under the scheme which are directed by the scheme to be so paid, subject to such exceptions in special cases as may be made by the scheme;

(*c*) for the settlement of claims and other matters arising under the scheme by committees representative of both employers and workmen, with an independent chairman, and for the procedure to be adopted before such committees;

(*d*) for the appointment and remuneration of medical officers, medical boards and advisory medical bodies, and for their duties and powers in connection with the scheme;

(*e*) for requiring workmen to whom the scheme applies (i) to submit themselves to such periodical medical examination, and (ii) to furnish such information with respect to their previous employment in any industry specified in the scheme, as involving exposure to silica dust, as may be prescribed by the scheme, and for making the right of the workmen to compensation conditional on compliance with such requirements, and for the suspension from employment of workmen who are found at any time to be suffering from silicosis or tuberculosis, or silicosis accompanied by tuberculosis, or who, when first medically examined in pursuance of the scheme, are found unsuitable for work in the industry or process by reason of their failure to satisfy such requirements with respect to physique as may be prescribed by the scheme; and

(*f*) for the application with the necessary modifications of any of the provisions of this Act, or of any enactment relating to compensation thereunder, and for defining the industries or

processes to which the scheme applies, and generally for such further or supplemental matters, including provisions as to the determination of disputes arising between employers and the authority administering the fund, as appear necessary for giving full effect to the scheme.

(4) Any scheme made under this section may be extended or varied by any subsequent scheme made in the like manner, and shall have effect as if enacted in this Act, but any scheme made under this section shall be laid before each House of Parliament forthwith, and, if an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-one days on which that House sits next after any such scheme is laid before it praying that the scheme may be annulled, His Majesty in Council may annul the scheme, and it shall thenceforward be void, but without prejudice to the validity of anything done thereunder.

(5) Section one of the Rules Publication Act, 1893, shall not apply to any scheme made under this section. 56 & 57 Vict. c. 66.

PART III.

GENERAL.

48.—(1) In this Act unless the context otherwise requires— Interpretation.

"Ship," "vessel," "seaman," and "port" have the same meanings as in the Merchant Shipping Act, 1894;

"Manager," in relation to a ship, means the ship's husband or other person to whom the management of the ship is entrusted by or on behalf of the owner;

"Police force" means a police force to which the Police Act, 1890, or the Police (Scotland) Act, 1890, applies, and the City of London Police Force; 53 & 54 Vict. c. 45. 53 & 54 Vict. c. 67.

"Outworker" means a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished, or repaired, or adapted for sale in his own home

or on other premises not under the control or management of the person who gave out the materials or articles;

"United Kingdom" means Great Britain and Northern Ireland.

(2) The exercise and performance of the powers and duties of a local or other public authority shall, for the purposes of this Act, be treated as the trade or business of the authority.

(3) Any reference to a workman who has been injured shall, where the workman is dead, include a reference to his legal personal representative, or to his dependants, or other person to whom or for whose benefit compensation is payable.

Application to Scotland. 7 Edw. 7. c. 51.

49.—(1) Any application to the sheriff as arbitrator shall be heard, tried, and determined summarily in the manner provided by section fifty of the Sheriff Courts (Scotland) Act, 1907, save only that parties may be represented by any person authorised in writing to appear for them and subject to the declaration that it shall be competent to either party within the time and in accordance with the conditions prescribed by act of sederunt to require the sheriff to state a case on any question of law determined by him, and his decision thereon in such case may be submitted to either division of the Court of Session, who may hear and determine the same and remit to the sheriff with instruction as to the judgment to be pronounced, and an appeal shall lie from either of such divisions to the House of Lords.

(2) In this Act the expressions "county court," "judge of the county court," "registrar of the county court," "county court judgment," "plaintiff," "contract of bailment," and "rules of court," as respects Scotland, mean respectively sheriff court, sheriff, sheriff clerk, recorded decree arbitral, pursuer, contract of letting to hire, and act of sederunt.

Commencement, repeal and extent.

50.—(1) This Act shall come into operation on the first day of May, nineteen hundred and twenty-six, but shall not apply in any case where the accident happened before the first day of January, nineteen hundred and twenty-four.

(2) The enactments mentioned in the Fourth Schedule to this Act are so far as they relate to England and Wales and Scotland hereby repealed to the extent mentioned in the third column of that Schedule, but shall continue to apply to cases where the accident happened before the first day of January, nineteen hundred and twenty-four, and to which they apply at the commencement of this Act:

Provided that nothing in this repeal shall affect any scheme, order, rule, regulation, agreement or award, or other instrument certified, issued or made, or any other thing done under the enactments so repealed and in force at the commencement of this Act, but any such scheme, order, rule, regulation, agreement, or award, or other instrument, or other thing, shall continue in force and have effect as if certified, issued, made or done under this Act.

(3) The repeal of subsection (2) of section sixteen of the Workmen's Compensation Act, 1906, shall not affect the application of the Workmen's Compensation Acts, 1897 and 1900, to cases to which by virtue of that subsection they are to continue to apply. 6 Edw. 7. c. 53.

(4) This Act shall not, except as otherwise expressly provided, extend to Northern Ireland.

51. This Act may be cited as the Workmen's Compensation Act, 1925. Short title.

SCHEDULES.

FIRST SCHEDULE. Section 21.

ARBITRATION, &c.

1. For the purpose of settling any matter which under this Act is to be settled by arbitration, if any committee, representative of an employer and his workmen, exists with power to settle

1ST SCH. —*cont.*

matters under this Act in the case of the employer and workmen, the matter shall, unless either party objects by notice in writing sent to the other party before the committee meet to consider the matter, be settled by the arbitration of such committee, or be referred by them in their discretion to arbitration as hereinafter provided.

2. If either party so objects, or there is no such committee, or the committee so refers the matter or fails to settle the matter within six months from the date of the claim, the matter shall be settled by a single arbitrator agreed on by the parties, or in the absence of agreement by the judge of the county court, according to the procedure prescribed by rules of court.

3. In England the matter, instead of being settled by the judge of the county court, may, if the Lord Chancellor so authorises, be settled according to the like procedure, by a single arbitrator appointed by that judge, and the arbitrator so appointed shall, for the purposes of this Act, have all the powers of that judge.

52 & 53 Vict. c. 49.

4. The Arbitration Act, 1889, shall not apply to any arbitration under this Act; but a committee or an arbitrator may, if they or he think fit, submit any question of law for the decision of the judge of the county court, and the decision of the judge on any question of law, either on such submission, or in any case where he himself settles the matter under this Act, or where he gives any decision or makes any order under this Act, shall be final, unless within the time and in accordance with the conditions prescribed by rules of the Supreme Court either party appeals to the Court of Appeal; and the judge of the county court, or the arbitrator appointed by him, shall, for the purpose of proceedings under this Act, have the same powers of procuring the attendance of witnesses and the production of documents as if the proceedings were an action in the county court.

5. A judge of county courts may in any case, if he thinks fit, and shall, if any party in accordance with rules of court so requires and gives security for the payment of the prescribed fee, summon a medical referee to sit with him as assessor.

If a medical referee is so summoned on the application of any party, that party shall, subject to any directions as to costs, be liable to pay in respect of the attendance of the medical referee such fee as may be prescribed by the Secretary of State.

6. Rules of Court may make provision—

(*a*) for the appearance in any arbitration under this Act of any party by some other person; and

1ST SCH. —*cont.*

(*b*) for conferring on the judge or registrar of a county court in proceedings under this Act the like powers of making orders for the examination of witnesses and persons, and for discovery, interrogatories, inspection of documents, and further particulars, and of granting a new trial, as are exercisable as respects actions in county courts.

7.—(1) The costs of and incidental to the arbitration and proceedings connected therewith shall be in the discretion of the committee, arbitrator, or judge of the county court, subject as respects such judge and an arbitrator appointed by him to rules of court.

(2) The costs, whether before a committee or an arbitrator or in the county court, shall not exceed the limit prescribed by rules of court, and shall be taxed in manner prescribed by those rules and such taxation may be reviewed by the judge of the county court.

8. In the case of the death, or refusal or inability to act, of an arbitrator, the judge of the county court may, on the application of any party, appoint a new arbitrator.

9. Where a reference is made to a medical referee under section sixteen or section nineteen of this Act, or where on an application for the registration of a memorandum of agreement a report of a medical referee is required under this Act to be obtained, there shall, subject to any directions as to costs and to the provisions hereinafter contained, be payable by the applicant for the reference or for the registration of the memorandum such fee in respect of the remuneration and expenses of the medical referee as the Secretary of State may prescribe, and provision may be made by rules of court for the payment of such fees through the registrar of the county court.

All such references shall be made and reports obtained in accordance with regulations of the Secretary of State.

10. Any sum awarded as compensation shall, unless paid into court under this Act, be paid on the receipt of the person to whom it is payable under any agreement or award, and the solicitor or agent of a person claiming compensation under this Act shall not be entitled to recover from him any costs in respect of any proceedings in an arbitration under this Act, or to claim a lien in respect of such costs on, or deduct such costs from, the sum awarded or agreed as compensation, except such sum as may be awarded by the committee, the arbitrator, or the judge of the

1ST SCH. —*cont.*

county court, on an application made either by the person claiming compensation, or by his solicitor or agent, to determine the amount of costs to be paid to the solicitor or agent, such sum to be awarded subject to taxation and to the scale of costs prescribed by rules of court.

11. Any committee, arbitrator, or judge may, subject to regulations made by the Secretary of State and the Treasury, submit to a medical referee for report any matter which seems material to any question arising in the arbitration.

12. No court fee shall be payable by a workman in respect of any proceedings in a court under this Act.

13. Paragraphs 3, 4, 6(*b*), and 8 of this Schedule shall not apply to Scotland, and in its application to Scotland this Schedule shall have effect as if for paragraph 12 the following paragraph were substituted :—

No court fee shall be payable by any party in respect of any proceedings by or against a workman under this Act in the court prior to the award, or for recording a memorandum of agreement under this Act.

Section 26.

SECOND SCHEDULE.

PROVISIONS AS TO PAYMENTS INTO COURT AND INVESTMENT.

1. Any sum paid into court under this Act shall, subject to rules of court and the provisions of this schedule, be invested, applied, or otherwise dealt with by the court in such manner as the court in its discretion thinks fit for the benefit of the persons entitled thereto under this Act, and the receipt of the registrar of the court shall be a sufficient discharge in respect of the amount paid in.

2. In the event of the death of any person entitled as a dependant to money paid into a county court under this Act, then, if no direction has been given as to the disposition thereof for the benefit of other dependants in the event of the death of the person entitled thereto, the court may, without probate or letters of administration, distribute the sum amongst such

2ND SCH. —*cont.*

persons as appear to the court, upon such evidence as the court may deem satisfactory, to be entitled by law to receive the same, or if the dependant so dying is illegitimate and dies intestate, amongst the persons who in the opinion of the court would have been entitled thereto if the dependant had been legitimate; and, if there are no such persons, the court shall deal with the sum as the Treasury may direct:

Provided that, where the principal value of the estate of the dependant so dying exceeds one hundred pounds, any sum paid under this paragraph without probate or letters of administration shall be liable to estate duty as part of the amount on which that duty is charged, and the county court shall, before making any such payment, require a statutory declaration by the claimant, or by one of the claimants, that the principal value of the estate, including the sum in question, does not, after deduction of debts and funeral expenses, exceed the value of one hundred pounds, or the production of a letter or certificate from the Commissioners of Inland Revenue stating either that all duties payable in respect of the sum in question have been paid, or that no duty thereon is payable.

This paragraph does not apply to Scotland.

3. Rules of court may provide for the transfer of money paid into court under this Act from one court to another, whether or not the court from which it is to be transferred is in the same part of Great Britain as the court to which it is to be transferred, and for the transfer to a county court in Northern Ireland of money paid into court under this Act, and to a county court in Great Britain of money paid into court in Northern Ireland under any enactment for the time being in force in Northern Ireland relating to the compensation of workmen for injuries suffered in the course of their employment.

4. Any sum which under this schedule is ordered to be invested may be invested in whole or in part in the Post Office Savings Bank by the registrar of the county court in his name as registrar.

5. Any sum to be so invested may be invested in the purchase of an annuity from the National Debt Commissioners through the Post Office Savings Bank, or be accepted by the Postmaster-General as a deposit in the name of the registrar as such, and the provisions of any statute or regulations respecting the limits of deposits in savings banks, and the declaration to be made by a depositor, shall not apply to such sums.

6. No part of any money invested in the name of the registrar of any county court in the Post Office Savings Bank under this Act shall be paid out, except upon authority addressed

2ND SCH. —*cont.*

to the Postmaster-General by the Treasury or, subject to regulations of the Treasury, by the judge or registrar of the county court.

7. Any person deriving any benefit from any moneys invested in a post office savings bank under the provisions of this Act may, nevertheless, open an account in a post office savings bank or in any other savings bank in his own name without being liable to any penalties imposed by any statute or regulations in respect of the opening of accounts in two savings banks, or of two accounts in the same savings bank.

Sections 43, 44.

THIRD SCHEDULE.

Description of Disease.	Description of Process.
Anthrax - - -	Handling of wool, hair, bristles, hides, and skins.
Lead poisoning or its sequelæ.	Any process involving the use of lead or its preparations or compounds.
Mercury poisoning or its sequelæ.	Any process involving the use of mercury or its preparations or compounds.
Phosphorus poisoning or its sequelæ.	Any process involving the use of phosphorus or its preparations or compounds.
Arsenic poisoning or its sequelæ.	Any process involving the use of arsenic or its preparations or compounds.
Ankylostomiasis -	Mining.

Where regulations or special rules made under any Act of Parliament for the protection of persons employed in any industry against the risk of contracting lead poisoning require some or all of the persons employed in certain processes specified in the regulations or special rules to be periodically examined by a certifying or other surgeon, then, in the application of this schedule to that industry, the expression "process" shall, unless the Secretary of State otherwise directs, include only the processes so specified.

FOURTH SCHEDULE.

Section 50.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
6 Edw. 7. c. 58	The Workmen's Compensation Act, 1906.	The whole Act.
9 Edw. 7. c. 16	The Workmen's Compensation (Anglo-French Convention) Act, 1909.	The whole Act.
1 & 2 Geo. 5. c. 50.	The Coal Mines Act, 1911 -	Section one hundred and ten.
8 & 9 Geo. 5. c. 8	The Workmen's Compensation (Illegal Employment) Act, 1918.	The whole Act.
8 & 9 Geo. 5. c. 14.	The Workmen's Compensation (Silicosis) Act, 1918.	The whole Act.
9 & 10 Geo. 5. c. 73.	The County Courts Act, 1919	Sections twenty-five and twenty-six.
13 & 14 Geo. 5. c. 42.	The Workmen's Compensation Act, 1923.	The whole Act, except sections one, six, twenty-eight, twenty-nine, thirty and thirty-one.
14 & 15 Geo. 5. c. 17.	The County Courts Act, 1924	Section six.
14 & 15 Geo. 5. c. 40.	The Workmen's Compensation (Silicosis) Act, 1924.	The whole Act.

CHAPTER 85.

An Act to amend the Land Settlement (Facilities) Act, 1919, by substituting other provisions for those contained in section twenty-seven of the said Act. [22nd December 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present