

(Enregistré sur les Records le 8 juin 1929.)
AT THE COURT OF SAINT JAMES,
The 7th day of May, 1929.

PRESENT,

HIS ROYAL HIGHNESS THE PRINCE OF WALES.

LORD CHANCELLOR

PRIME MINISTER.

ARCHBISHOP OF YORK.

EARL STANHOPE.

VISCOUNT PEELE.

SECRETARY SIR W. JOYNSON-HICKS.

SIR BINOD MITTER.

MR. ALEXANDER MACROBERT.

WHEREAS HIS MAJESTY was pleased by His Commission dated the 4th day of December, 1928, to nominate and appoint Her Majesty The Queen, His Royal Highness The Prince of Wales, K.G., K.T., K.P., G.C.S.I., G.C.M.G., G.C.I.E., G.C.V.O., G.B.E., His Royal Highness the Duke of York, K.G., K.T., G.C.M.G., G.C.V.O., the Most Reverend Father in God Cosmo Gordon, Archbishop of Canterbury, the Right Honourable Douglas McGarel, Baron Hailsham, Lord High Chancellor of Great Britain, and the Right Honourable Stanley Baldwin, Prime Minister and First Lord of the Treasury, or any three of them, during His Majesty's illness, to summon and hold on His Majesty's behalf His Privy Council, and to signify thereat His Majesty's approval of any matter or thing to which His Majesty's approval in Council is required :

Loi relative à
la Compensation
des
Ouvriers
(Anregny).

AND WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of

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Guernsey and Jersey, dated the 17th day of April 1929, in the words following, viz. :—

“ YOUR MAJESTY having been pleased, by Your General Order of Reference of the 10th day of May, 1910, to refer unto this Committee a humble Petition of Robert Walter Mellish, Judge and President of the States of the Island of Alderney setting forth :—

(1) That at the Chief Pleas after Christmas held before the Petitioner on the 17th day of January, 1921, a Petition was presented to the Chief Pleas praying that a scheme of compensation for workmen might be established in this Island, in order that provision might be made for workmen meeting with accidents arising out of and in the course of their employment. (2) That the Chief Pleas were pleased to accept the said Petition and appointed a Committee to enquire into and report to the States on the advisability of introducing legislation on the matter. (3) That the said Committee presented their report to the States at a Meeting held before the Petitioner on the 5th day of October, 1921. (4) That the said Committee recommended that compensation should be payable to the workman by the employer in the event of injury arising out of accidents in the course of his employment, and that compensation should be payable to the dependants by the employer in the event of death ensuing as the result of an accident. (5) That the States were of opinion to accept the said report and the recommendations contained therein, and asked the Court to prepare and submit for their consideration a *Projet de Loi* giving effect thereto. (6) That at a Meeting of the States holden before the Petitioner the 22nd day of May, 1923, the States took into consideration the *Projet de Loi* intituled ‘ *Loi relative à la Compensation des Ouvriers* ’ and proposed certain amendments thereto. (7) That at a Meeting of the States holden before the Petitioner on the 27th day of July, 1925, the said *Projet* was again considered by the States, and agreed to accept the

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same as amended and authorized the Petitioner to present in their name a most humble Petition to Your Majesty to be graciously pleased to grant thereto Your Royal Sanction. (8) That Your Majesty's Secretary of State for Home Affairs made certain suggestions for the consideration of the States in order to place the scale and scope of the proposed compensation on a different basis. (9) That on the 28th day of January, 1926, the States took the said suggestions into consideration and agreed to their being embodied in the said *Projet de Loi*. (10) That on the 11th day of October, 1928, the States again considered the said *Projet de Loi* and incorporated therein clauses dealing with the preferential claim to compensation by a workman in the event of the bankruptcy of an employer and with the appointment of medical referees in certain cases. (11) That the said amendments are incorporated in the said *Projet de Loi* intituled ' *Loi relative à la Compensation des Ouvriers* ' (a copy whereof is hereunto annexed).

The premises considered the Petitioner most humbly prays Your Majesty to be graciously pleased to grant thereto Your Royal Sanction, and to order that the same shall have force of Law in Your Majesty's said Island of Alderney."

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition, and the *Projet de Loi* annexed thereto, into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said *Projet de Loi*."

NOW, THEREFORE, His Royal Highness The Prince of Wales, the Lord High Chancellor of Great Britain, and the Prime Minister and First Lord of the Treasury, being authorized thereto by His Majesty's said Commission have taken the said Report into

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consideration, and do hereby, by and with the advice of His Majesty's Privy Council, on His Majesty's behalf approve of and ratify the said *Projet de Loi* and order, as it is hereby ordered, that the same shall have the force of law within the Island of Alderney.

AND do hereby further direct that this Order and the said *Projet de Loi* (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant-Governor or Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats and all other His Majesty's Officers for the time being, of the said Island of Guernsey, and also the Judge and Jurats of the said Island of Alderney, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

M. P. A. HANKEY.

“*PROJET DE LOI*” referred to in the foregoing Order in Council.

PROJET DE LOI RELATIVE À LA COMPENSATION DES OUVRIERS.

Les Articles qui ensuivent rédigés en Anglais auront force de Loi en cette Ile.

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 First Schedule to this Law.

2.—Provided that :—

(a) Compensation shall be payable if the injury disables the workman for more than three days from earning full wages at the work at which he was employed, but shall not be pay-

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able in respect of the first three days on which he is so disabled unless the incapacity lasts for four weeks or upwards.

- (b) 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 Law shall affect any civil liability of the employer, but in that case the workman at his option may either claim compensation under this Law or take proceedings independently of this Law: 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 his employment both independently of and also under this Law, and shall not be liable to any proceedings independently of this Law, except in case of such personal negligence or wilful act as aforesaid.
- (c) 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 be disallowed.

3.—If any question arises in any proceedings under this Law as to the liability to pay compensation under this Law (including as to whether the person injured is a workman to whom this Law applies) or as to the amount or duration of compensation under this Law, the question, if not settled by agreement shall, subject to the provisions of the First Schedule to this Law, be settled by arbitration in accordance with the Second Schedule of this Law.

4.—If, within the time hereinafter in this Law limited for taking proceedings, an action is brought to recover damages independently of this Law for injury caused by any accident, and it is determined, by such action, that the injury is one for which the employer is not liable in such action, but that he

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would have been liable to pay compensation under the provisions of this law, the action shall be dismissed : but the Court 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 an action instead of proceeding under this Law. In any proceedings under this sub-section, when the Court 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 Law.

5.—Proceedings for the recovery under this Law for 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, or, in the case of death, within six months from the time of death. Provided always 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 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 Is.and, 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

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the failure was occasioned by mistake, absence from the Island or other reasonable cause.

6.—Notice in respect of an injury under this Law shall give the name and address of the person injured, and shall state in ordinary language the cause of the injury and the date on which the accident happened, and shall be served on the employer, or, if there is more than one employer, upon one of such employers.

The notice may be served by the delivery of the same at, or sending it by post in a registered letter addressed to the residence or place of business of the person on whom it is to be served.

7.—Where the employer is a body of persons, corporate or unincorporate, the notice may also be served by delivering the same 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.

8.—(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 Law 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 the Law, references to the principal shall be substituted for reference 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

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power for the purposes of such work, he and he alone shall be liable under this Law 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, and all questions as to the right and amount of any such indemnity shall in default of agreement be settled by arbitration under this Law.

(3) Nothing in this section shall be construed as preventing a workman recovering compensation under this Law 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 the premises on which the principal has undertaken to execute the work or which are otherwise under his control or management.

9.—(1) Where any employer has entered into a contract with any insurers in respect of any liability under this Law 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 assets by or on the application of debenture holders having been appointed, 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

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

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

- (a) The date of any order of the Court declaring the employer to be bankrupt.
- (b) The date of the commencement of the winding up of the company.
- (c) The date of the appointment of a receiver or manager of the company's assets by or on the application of debenture holders or the date of possession being taken thereof.

Shall be included among the debts which, under the laws and customs of Alderney are in the case of the distribution of the property or assets of a bankrupt or in the winding up of a company, or a seizure of the assets thereof to be paid in priority to all debts other than those charged and secured by registration on the real property of the employer.

For the purpose of this sub-section the debentures of a company both as to principal and interest shall be deemed to be debts not charged and secured by registration on real property notwithstanding that they may be so charged and secured.

(5) The provisions of this section with respect to preferences and priorities shall not apply where the

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bankrupt or the company has entered into such a contract with insurers as aforesaid.

10.—Where the injury for which compensation is payable under this Law 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 for such compensation both against that person to recover damages and against any person liable under this Law to pay compensation, but shall not be entitled to recover both damages and compensation ; and

(2) If the workman has recovered compensation under this law the person by whom the compensation was paid, and any person who has been called on to pay an indemnity under section (8) of this Law relating to sub-contracting, 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 law.

11.—For the purposes of this law 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 occurred 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.

(1) This Law shall apply notwithstanding any contract to the contrary, whether made before or after the commencement of this Law, except that where under this Law the provisions of a scheme are substituted for the provisions of this Law the em-

ployer shall be liable only in accordance with the scheme.

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(2) Where the person against whom a claim for compensation is made under this Law disputes his liability to pay compensation, but makes an agreement (in this Law 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.

12.—Persons in the Naval or Military Service of the Crown, and such persons employed by or under the Crown who are paid out of monies provided by the Imperial Parliament and are eligible for awards in respect of injury shall not be considered workmen within the meaning of this Law.

13.—The Court may appoint such medical practitioners authorized to practise under any law in force in the Bailiwick to be medical referees for the purposes of this Law as it may determine, and may determine the remuneration of, and other expenses incurred by medical referees under this Law. Such remuneration and expenses may be paid from the general revenue of the Island or otherwise as the Court may direct.

(1) Where in any case a medical practitioner has been employed by or on behalf of an employer or workman or by any insurer interested he shall not act as medical referee in that case.

DEFINITIONS.

“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

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apprenticeship, the latter shall, for the purposes of this Law, be deemed to continue to be the employer of the workman whilst he is working for that person :

“ Workman ” does not include any person employed otherwise than by way of manual labour whose remuneration exceeds three hundred and fifty pounds a year, or a person whose employment is of a casual nature and who is employed otherwise than for the purposes of his employer's trade or business, or a member of the employer's family dwelling in his house, or to domestic servants, but save as aforesaid, 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 :

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 :

“ Dependants ” mean such 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.

“ Member of a family ” means wife or husband, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, step-daughter, brother, sister, half-brother, half-sister.

A person shall not be deemed to be a partial dependant of another person unless he was dependent

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partially on contributions from that other person for the provision of the ordinary necessities of life suitable for persons in his class and position.

This Law shall come into operation one month after the registration on the records of this Island of His Majesty's Order in Council sanctioning the same.

FIRST SCHEDULE.

SCALE AND CONDITIONS OF COMPENSATION.

1.—The amount of compensation under this Law shall be :—

(a) Where death results from the injury :—

(i) If the workman leaves any dependants wholly dependent upon his earnings, 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 these sums is the larger, but not exceeding in any case three hundred pounds, provided that the amount of any weekly payments made under this Law, and any lump sum paid in redemption thereof, shall be deducted from such sum, and if the period of the workman's employment by the said employer has been less than the said three years then the amount of his earnings during the said three years shall 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.

(ii) Where a 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, then—

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- (a) 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, there shall, in respect of each such child, be added to and dealt with as part of the compensation 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 ; and
- (b) If the widow or other member of the workman's family or such child or children as aforesaid, or any of them, were partially dependent on the workman's earnings, there shall be paid as part of the compensation under the foregoing paragraph such proportion of the sum which would have been payable under the foregoing paragraph of this section 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 payable under this Schedule, be determined by arbitration under this Law to be reasonable. Provided that the total amount of compensation payable to the dependants shall in no case exceed six hundred pounds.
- (iii) If the workman does not leave any such dependants, but leaves any dependant in part dependent upon his earnings, such sum, not exceeding in any case the amount payable under the foregoing provisions, as may be agreed upon, or, in default of agreement, may be determined, on arbi-

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tration under this Law, to be reasonable and proportionate to the injury, to the said dependants ; and

- (iv) If he leaves no dependants the reasonable expenses of his medical attendance and burial not exceeding twenty pounds.
- (i) Where total or partial incapacity for work results from the injury a weekly payment during the incapacity not exceeding fifty per cent. of his average weekly earnings during the twelve months, if he has been so long employed, but if not, then for any less period during which he has been in the employment of the same employer, such weekly payment not to exceed thirty shillings.
- (ii) Where the maximum payment under this Law to a workman who is totally incapacitated is less than twenty-five shillings, the workman shall be entitled during such 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 Law, be treated as if it were part of the weekly payment.
- (iii) In the case of partial incapacity the weekly payment shall subject to the provisions of paragraph 3 of this Schedule be of the following amount :—

If the maximum weekly payment had the incapacity been total incapacity, would 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

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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.

If the maximum weekly payment would, had the incapacity been total incapacity, have amounted with such addition, if any, as is provided by subsection (ii) of this section, 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.

2.—For the purposes of the provisions of this Schedule relating to “earnings” and “average weekly earnings” of a workman, the following rules shall be observed :—

- (a) 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 when 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 em

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ployed in the same class of employment in the island.

- (b) Where the workman has entered into concurrent contracts of service with two or more employers under which he worked at one time for one 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.
- (c) 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.
- (d) Where the employer has been accustomed to pay the workman a sum to cover any special expense entailed on him by the nature of his employment the sum so paid shall not be reckoned as part of the earnings.

3.—In fixing the amount of the weekly payments regard shall be had to any payment, allowance, or benefit which the workman may receive from the employer during the period of his incapacity.

The compensation payable in the case of death shall, unless otherwise ordered as hereinafter provided, be paid into Court, and any sum so paid into Court under this Law 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 Law, and the receipt of His Majesty's Greffier shall be a sufficient discharge in respect of the amount paid in.

Provided that, if so agreed, the compensation in the case of death shall, if the workman leaves no

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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.

4.—Where a workman has given notice of an accident he shall if so required by the employer, submit himself for examination by a duly qualified medical practitioner provided and paid for 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 and prosecute any proceedings under this Law in relation to compensation shall be suspended until such examination has taken place.

5.—Where a weekly payment is payable under this Law to a person under any legal disability, the Court may, on application being made in accordance with rules of Court, order that the weekly payment be paid during the disability into the Court, and the provisions of this Schedule with respect to sums required by this Schedule to be paid into Court, shall apply to sums paid into Court in pursuance of any such order.

6.—Any question as to who is a dependant shall in default of agreement be settled by arbitration under this Law, or, if not so settled, shall be settled by the Court, and the amount payable to each dependant shall be settled by arbitration under this Law, or, if not so settled before payment into Court under this Schedule, by the Court. Where there are both total and partial dependants, nothing in this Schedule shall be construed as preventing the compensation being allotted partly to the total and partly to the partial dependants.

7.—Where, on application being made it appears to the 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

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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.

8.—Any workman receiving weekly payments under this Law, shall if so required by the employer, from time to time submit himself for examination by a duly qualified medical practitioner provided and paid for 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 examination has taken place.

9.—A workman shall not be required to submit himself for examination by a medical practitioner under paragraph 4 or paragraph 8 of this Schedule otherwise than in accordance with regulations made by the Court, or at more frequent intervals than may be prescribed by those regulations.

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 Court on application being made by both parties, may, on payment by the applicants of such fee as may be prescribed by the Court, refer the matter to a medical referee. The medical referee to whom the matter is so referred shall in accordance with regulations made by the Court give a certificate as

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

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 proceedings under this Law in relation to compensation, or, in the case of a workman in receipt of a weekly payment, his right to a weekly payment, shall be suspended until such examination has taken place.

10.—(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 in Section 1 of this Schedule, provided, and the amount of payment shall, in default of agreement, be settled by arbitration under this Law.

(2) Where the workman was at the time of the accident under twenty-one years of age and the review takes place more than six months after the accident, and the application for the review is made before or within six months after 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 the accident been earning the weekly sum which he would probably have been earning at the date of the review if he had remained uninjured. Provided always that the amount of

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any such increased weekly payment shall not exceed fifty per cent. of such probable weekly earnings, and shall not in any case exceed thirty shillings.

(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 or 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. Provided always that where a weekly payment is increased by such variation the amount of such increased weekly payment shall not exceed fifty per cent. of the weekly amount of remuneration according to the rates of remuneration obtaining during the twelve months previous to the review and shall not in any case exceed thirty shillings.

(4) If a workman receiving a weekly payment ceases to reside in the Island of Alderney, or in any other of the Channel Islands or in the United Kingdom 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 in respect of which the payment is made is likely to be of a permanent nature. 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

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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.

11.—A weekly payment or sum in redemption 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.

12.—Where under this Schedule a right to compensation is suspended, no compensation shall be payable in respect of the period of suspension.

SECOND SCHEDULE.

ARBITRATION.

1.—For the purpose of settling any matter which under this Law is to be settled by arbitration, the matter shall be settled by a single arbitrator agreed on by the parties, or in absence of agreement, by the Judge of the Island of Alderney, according to the procedure prescribed by Act of Court. An arbitrator may, if he thinks fit, submit any question of law for the decision of the Court of Alderney, and the decision of the Court on any question of law, either on such submission, or in any case where the Court settles the matter under this Law, or where the Court gives any decision or order under this Law, shall be final, unless within the time and in accordance with the conditions prescribed by Ordinance of the Royal Court either party appeals to the Royal Court of the Island of Guernsey; and the Judge of Alderney and the arbitrator appointed by him shall, for the purpose of proceedings under this Law have the same powers of procuring the attendance of witnesses and the production of documents as if the proceeding were an action before the Court.

2.—The costs of and incidental to the arbitration

and proceedings connected therewith shall be in the discretion of the arbitrator, and in accordance with the scale prescribed by Ordinance.

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3.—In the case of the death, or refusal or inability to act, of an arbitrator, the Judge may on the application of any party, appoint a new arbitrator.

4.—Where the amount of compensation under this Law has been ascertained, or any weekly payment varied, or any other matter decided under this Law, by an arbitrator or by agreement, a memorandum thereof shall be submitted to the Court, which shall on being satisfied as to its genuineness order such memorandum to be recorded in a special register without fee, and thereupon the memorandum shall be enforceable as a judgment of the Court. Provided that—

- (a) No such memorandum shall be recorded before seven days' notice has been given 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 Law, and the employer 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 Court under the circumstances may think just; and
- (c) The Court may at any time rectify the register and, where it appears to the Court on any sufficient information, that an agreement as to the redemption payment by a lump sum, or an agreement as to the amount of compensation payable to a person under legal disability, or to dependants ought not to be registered by reason of the inadequacy of the sum or amount, or by reason of the agreement being

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obtained by fraud or undue influence, or other improper means, the Court may refuse to record such memorandum, or the Court may make such order as under the circumstances it may think just ; and

- (d) The Court may, within six months after the memorandum of an agreement as to the redemption of a weekly payment by a lump sum, or of an agreement as to the amount of compensation payable to a person under legal disability, or to dependants, has been recorded in the register, order that the record be removed from the register on proof that the agreement was obtained by fraud or undue influence or other improper means, and may make such order as under the circumstances it may think just.

5.—An agreement as to the redemption of a weekly payment by a lump sum if not registered in accordance with this Law shall not, nor shall the payment of the sum payable under the agreement, exempt the person by whom the weekly payment is payable from liability to continue to make that weekly payment, and an agreement as to the amount of compensation to be paid to a person under a legal disability or to dependants, if not so registered, shall not, nor shall the payment of the sum payable under the agreement, exempt the person by whom the compensation is payable from liability to pay compensation, unless, in either case, he proves that the failure to register was not due to any neglect or default on his part.

6.—Any sum awarded as compensation shall, unless paid into Court under this Law, be paid on the receipt of the person to whom it is payable under any agreement or award, and the advocate or agent of a person claiming payment of compensation under this Law shall not be entitled to recover from him any costs in respect of any proceedings in an arbitration under this Law, 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 arbitrator, or the Court, on an application made either by the person claiming compensation, or by his advocate or agent, to determine the amount of costs to be paid to the advocate or agent.
