CHAPTER 71.

TELEGRAPHY.

8 of 1939. AN ORDINANCE TO CONTROL TELEGRAPHY AND SIMILAR METHODS OF COMMUNICATION.

[17th June, 1939.]

Short title. 1. This Ordinance may be cited as the Telegraphy Ordinance.

2. (1) Where it appears to the Governor that such a course is expedient in the public interest, he may, by warrant under his hand, require any person who owns or controls any telegraphic cable or wire, or any apparatus for wireless telegraphy, used for the sending or receipt of telegrams to or from any place out of the Colony, to produce to him, or to any person named in the warrant, the originals and transcripts either of all telegrams, or of telegrams of any specified class or description, or of telegrams sent from or addressed to any specified person or place, sent to or received from any place out of the Colony by means of any such cable, wire, or apparatus, and all other papers relating to any such telegrams as aforesaid.

(2) Any person who, on being required to produce any such original or transcript or paper as aforesaid, refuses or neglects to do so shall be guilty of an offence under this Ordinance, and shall, for each offence, be liable to imprisonment with or without hard labour for a term not exceeding three months, or to a fine not exceeding fifty pounds, or to both such imprisonment and fine.

(3) In this section, the expression "telegrams" shall have the same meaning as in the Telegraph Act, 1869, of the Imperial Parliament, and the expression "wireless telegraphy" shall have the same meaning as in section 2 of the Wireless Telegraphy Ordinance.

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]
CHAPTER 72.

TRADE DISPUTES (ARBITRATION).

AN ORDINANCE TO PROVIDE FOR THE ESTABLISHMENT OF AN ARBITRATION BOARD IN CONNECTION WITH TRADE DISPUTES, AND TO MAKE PROVISION FOR THE SETTLEMENT OF SUCH DISPUTES.

[1st June, 1949.]

1. This Ordinance may be cited as the Trade Disputes (Arbitration) Ordinance. Short title.

2. (1) In this Ordinance unless the context otherwise requires:—

"Trade dispute" means any dispute or difference between employers and workmen, or between workmen and workmen, connected with the employment or non-employment, or the terms of the employment, or with the conditions of labour, of any workman;

"Workman" means any person who has entered into or works under a contract with an employer whether the contract be by way of manual labour, clerical work, or otherwise, be expressed or implied, oral or in writing, and whether it be a contract of service or of apprenticeship or a contract personally to execute any work or labour.

(2) This Ordinance shall not apply to persons in the Naval, Military, or Air services of the Crown, or to members of the Police Force, but otherwise shall apply to workmen employed by the Government in the same manner as if they were employed by a private person.

3. (1) Any trade dispute, may be reported to the Governor by or on behalf of either of the parties to the dispute, and the Governor shall thereupon take such steps as seem to him expedient for promoting a settlement thereof.

[Note. This Ordinance is applied to the Dependencies by the Revised Edition of the Laws (Amendment) (Dependencies) Ordinance, 1950.]
(2) Where a trade dispute exists, the Governor may, subject as hereinafter provided, if both parties consent, refer the matter for settlement to an Arbitration Board (hereinafter referred to as the "Board") constituted of either—

(a) a sole arbitrator appointed by the Governor; or

(b) an arbitrator appointed by the Governor, assisted by not more than three assessors nominated by or on behalf of the employers concerned and an equal number of assessors nominated by or on behalf of the workmen concerned, all of whom shall be appointed by the Governor: Provided that the award shall be made and issued by the arbitrator only; or

(c) not more than three arbitrators nominated by or on behalf of the employers concerned and an equal number of arbitrators nominated by or on behalf of the workmen concerned, and an independent chairman, all of whom shall be appointed by the Governor: Provided that where all the members of the Board are unable to agree as to their award, the matter shall be decided by the chairman as sole arbitrator.

(3) If there are existing in any trade or industry any arrangements for settlement by conciliation or arbitration of disputes in such trade or industry, or any branch thereof, made in pursuance of an agreement between organizations of employers and organizations of workmen representative respectively of substantial proportions of the employers and workmen engaged in that trade or industry, the Governor shall not, unless with the consent of both parties to the dispute, and unless and until there has been a failure to obtain a settlement by means of those arrangements, refer the matter for settlement in accordance with the foregoing provisions of this section.

(4) The Arbitration Act 1889 or any Act amending or substituted for it shall not apply to any proceedings of a Board under this Ordinance or to any award issued by it.

(4) The Arbitration Act 1889 or any Act amending or substituted for it shall not apply to any proceedings of a Board under this Ordinance or to any award issued by it.

4. (1) Whenever a vacancy occurs in the number of assessors on a Board constituted under section (3) (2) (b) hereof the Board may in the discretion of the arbitrator
either act notwithstanding such vacancy or consent to another assessor being appointed to fill such vacancy.

(2) Whenever a vacancy occurs in the number of arbitrators on a Board constituted under section 3 (2) (c) hereof the Board may, with the consent of the parties, act notwithstanding such vacancy.

(3) No act, proceeding or finding of the Board shall be invalidated by reason of any such vacancy provided that the consent required under subsection (2) hereof was first obtained.

5. Where a trade dispute referred to a Board involves questions as to wages, or as to hours of work, or otherwise as to the terms or conditions of or affecting employment which are regulated by any Ordinance other than this Ordinance, any award which is inconsistent with the provisions of that Ordinance shall be invalid.

6. The award of a Board shall be submitted to the Governor who shall as soon as possible thereafter cause the same to be published in such manner as he thinks fit.

7. Where a question arises as to the interpretation of an award of a Board the Governor may refer the question, or any party to the award may apply to the Board for a decision, and the Board shall decide the matter after hearing the parties, or without such hearing provided the consent of the parties has been first obtained. The decision of the Board shall be notified to the Governor and to the parties and shall be deemed to form part of and shall have the same effect in all respects as the original award.

8. For the purpose of dealing with any matter referred to it a Board shall have full power to order any person to furnish, in writing or otherwise, such particulars in relation to such matter as the Board may require, and attend before the Board and give evidence on oath or otherwise, and to require the production of documents, so as to elicit all such information as the Board may consider necessary, without being bound by the rules of evidence in civil or criminal proceedings: Provided always that, if any witness objects to answer any question on the ground that it will tend to
incriminate him or on any other lawful ground, he shall not be required to answer the question nor be liable to any penalties for refusing to answer.

9. It shall be in the discretion of a Board to permit any interested person to appear by counsel or solicitor in any proceedings before such Board.

10. (1) It shall be in the discretion of a Board to admit or exclude the public or the press from any of its sittings.

(2) Any person who shall, before an award of a Board has been published by order of the Governor, publish any comment on the Board, any proceedings or evidence, other than a fair and accurate report or summary of the proceedings including the evidence adduced at a sitting of the Board, shall be liable on summary conviction to a fine not exceeding £50.

11. The Governor in Council may make rules regulating the procedure to be followed by a Board, and whenever any question shall arise in the course of an arbitration in respect of which rules have not been made, the Board shall regulate its own procedure.

12. (1) The Governor may pay to any arbitrator or assessor appointed under this Ordinance such remuneration as the Governor shall think fit.

(2) The Governor may appoint at such remuneration and on such terms and conditions as he may determine such officers and other servants as may be necessary for carrying out the purposes of this Ordinance.

(3) The expenses incurred in the operation of this Ordinance shall be defrayed as directed by the Governor in Council.
CHAPTER 73.

TRADE UNIONS AND TRADE DISPUTES.

AN ORDINANCE TO REGULATE TRADE UNIONS AND TRADE DISPUTES.

[13th March, 1942.]

1. This Ordinance may be cited as the Trade Unions and Trade Disputes Ordinance.

Part I.

2. "Trade Union" means any combination, whether temporary or permanent, the principal purposes of which are under its constitution the regulation of the relations between workmen and masters, or between workmen and workmen, or between masters and masters, whether such combination would or would not if this Ordinance had not been enacted have been deemed to have been an unlawful combination by reason of some one or more of its purposes being in restraint of trade:

Provided that nothing in this Ordinance—

(a) shall affect—

(1) Any agreement between partners as to their own business;

(2) Any agreement between an employer and those employed by him as to such employment;

(3) Any agreement in consideration of the sale of the goodwill of a business or of instruction in any profession, trade or handicraft; or

(b) shall preclude any trade union from providing benefits for its members.

"Registered" means registered under this Ordinance.

"Registrar" means the Registrar of Trade Unions.

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]
3. The purposes of any trade union shall not, by reason merely that they are in restraint of trade, be deemed to be unlawful so as to render any member of such trade union liable to criminal prosecution for conspiracy or otherwise.

4. The purposes of any trade union shall not, by reason merely that they are in restraint of trade, be unlawful so as to render voidable any agreement or trust.

5. (1) No trade union or any member thereof shall perform any act in furtherance of the purposes for which it has been formed unless such trade union has first been registered.

      (2) Any trade union or any officer or member thereof who contravenes the provisions of this section shall be guilty of an offence punishable with a fine not exceeding twenty-five pounds.

6. The Governor may appoint such person as he may think fit to be the Registrar of Trade Unions.

7. Any seven or more members of a trade union may, by subscribing their names to the rules of the union and otherwise complying with the provisions of this Ordinance with respect to registration, register such trade union under this Ordinance:

      Provided that if any one of the purposes of such trade union be unlawful such registration shall be void.

8. (1) Every trade union shall be registered in accordance with the provisions of this Ordinance or be dissolved within three months of the date—

      (a) of its formation, or

      (b) of any notification by the Registrar that he has refused under section 10 to register the trade union, whichever is the later date.

      (2) Every trade union which is not registered or dissolved within the period prescribed in the preceding subsection and every officer thereof shall be guilty of an offence punishable with a fine not exceeding five pounds for every day it remains unregistered after the expiration of such period.
9. With respect to the registration under this Ordinance of a trade union, and of the rules thereof, the following provisions shall apply:—

(1) An application to register the trade union and its rules shall be sent to the Registrar with copies of the rules and a list of the titles and names of the officers of the trade union.

(2) The Registrar upon being satisfied that the trade union has complied with the rules respecting registration in force under this Ordinance shall, subject to the provisions of section 10, register the trade union and rules.

(3) No trade union shall be registered under a name identical with that by which any other existing trade union has been registered or so nearly resembling such name as to be likely to deceive the members or the public.

(4) The Registrar upon registering a trade union shall issue a certificate of registration.

10. (1) If the Registrar is satisfied that—

(a) the applicants have not been duly authorised to apply for registration; or

(b) the purposes of the trade union are unlawful; or

(c) the application is not in conformity with the provisions of this Ordinance;

he may refuse registration.

(2) When the Registrar refuses to register a trade union he shall forthwith inform the applicants in writing of the grounds of his refusal.

(3) An appeal shall lie to the Supreme Court from a refusal of the Registrar to register a trade union and on such appeal the Supreme Court may make any such order as it thinks proper, including any directions as to the costs of the appeal. Any such order of the Supreme Court shall be final.

(4) The Supreme Court may make rules governing such appeals, providing for the method of giving evidence, prescribing the time within which such appeals shall be
brought, the fees to be paid, the procedure to be followed and
the manner of notifying the Registrar of the appeal.

(5) The Registrar shall be entitled to be heard on any
appeal.

11. (1) It shall be lawful for the Registrar to cancel the
registration of any trade union—

(a) at the request of the trade union, to be evidenced
in such manner as he may direct;

(b) on proof to his satisfaction that a certificate of
registration has been obtained by fraud or mistake,
or that such trade union has wilfully, and after
notice from the Registrar, violated any of the
provisions of this Ordinance or has ceased to exist.

(2) Not less than two months' previous notice specifying
briefly the grounds of the proposed cancellation shall be
given by the Registrar to the trade union before such can-
cellation is effected, except where the trade union has ceased
to exist in which case notice of cancellation may be given
forthwith.

(3) An appeal from the decision of the Registrar under
this section shall lie to the Supreme Court subject to the
same conditions as are provided for an appeal against the
refusal of the Registrar to register a trade union, and the
Supreme Court may make rules providing for the same
matters for which rules may be made in respect of such
appeal. The decision of the Supreme Court shall be final.

12. (1) Every treasurer or other officer of a registered
trade union at such times as by the rules thereof he should
render such accounts as hereinafter mentioned, or having
been required so to do, shall render to the members thereof,
at a meeting of the trade union, a just and true account of
all moneys received and paid by him since he last rendered
the like account, and of the balance then remaining in his
hands, and of all bonds and securities of such trade union.

(2) Such account shall be audited by some fit and
proper person or persons to be appointed by the trade
union.
(3) Upon the account being audited the treasurer or other officer as the case may be shall, if thereupon required, hand over to the trade union the balance which on such audit appeared to be due from him, and shall also if required hand over to the trade union all securities and effects, books, papers and property of the trade union in his hands or custody.

(4) If the treasurer or other officer fails to hand over such things and documents as in subsection (3) required, the Committee of Management of the trade union or any member for and on behalf of the trade union may sue him in any competent court for the balance appearing to have been due from him upon the account last rendered by him, and for all moneys since received by him on account of such trade union and for the securities and effects, books, papers and property in his hands or custody, leaving him to set off in such action the sums, if any, which he may have since paid on account of such trade union; and in any such action the plaintiff shall be entitled to recover full costs of suit to be taxed as between solicitor and client.

13. (1) Every registered trade union shall transmit to the Registrar the account prepared and audited in accordance with section 12 within one month of its submission to the members of the trade union.

(2) Every officer of a registered trade union which fails to comply with the provisions of this section shall be guilty of an offence punishable with a fine not exceeding twenty-five pounds.

14. With respect to the rules of a registered trade union, the following provisions shall have effect:—

(1) The rules of every such trade union shall contain provisions in respect of the several matters mentioned in the Schedule.

(2) A copy of the rules shall be delivered by the trade union to every person on demand on payment of a sum not exceeding one shilling.

15. (1) Every alteration of the rules of a registered trade union shall be registered with the Registrar, and shall take effect from the date of registration unless some later date is specified in the rules.
(2) The rules of a registered trade union shall not be altered so that they cease to contain provisions in respect of the several matters in the Schedule.

16. (1) The Governor in Council may make rules respecting registration under this Ordinance and in particular but without prejudice to the generality of the foregoing power with respect to:

(a) The seal, if any, to be used by the Registrar for the purpose of registration under this Ordinance;
(b) The forms to be used for such registration;
(c) The inspection of registers and documents kept by the Registrar and the making of copies of any entries therein;
(d) The fees to be charged for registration and inspection and any other service or matter prescribed or permitted by this Ordinance; and
(e) Generally for carrying this part of this Ordinance into effect.

Part II.

17. (1) In this part:

"Trade dispute" means any dispute between employers and workmen or between workmen and workmen, which is connected with the employment or non-employment or with the terms of the employment, or with the conditions of labour of any person.

"Workmen" means all persons employed in trade or industry, whether or not in the employment of the employer with whom a trade dispute arises.

18. (1) An action against a trade union, whether of workmen or masters, or against any members or officials thereof on behalf of themselves and all other members of the trade union, in respect of any tortious act alleged to have been committed by or on behalf of the trade union shall not be entertained by any Court.

(2) Nothing in this section shall affect the liability of a trade union or any official thereof to be sued in any Court touching or concerning the property or rights of a trade
union, except in respect of any tortious act committed by or on behalf of the union in contemplation or in furtherance of a trade dispute.

19. (1) An agreement or combination of two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute shall not be triable as a conspiracy if such act committed by one person would not be punishable as a crime.

(2) An act done in pursuance of an agreement or combination by two or more persons, if done in contemplation or furtherance of a trade dispute, shall not be actionable unless the act, if done without any such agreement or combination, would be actionable.

(3) Nothing in this section shall exempt from punishment any person guilty of a conspiracy for which a punishment is awarded by any law in force in the Colony.

(4) Nothing in this section shall affect the law relating to riot, unlawful assembly, breach of the peace or sedition or any offence against the State or the Sovereign.

(5) A crime for the purposes of this section means an offence for the commission of which the offender is liable to be imprisoned either absolutely or at the discretion of the Court as an alternative for some other punishment.

(6) Where a person is convicted of any such agreement or combination as aforesaid to do or procure to be done an act which is punishable on summary conviction, and is sentenced to imprisonment, the imprisonment shall not exceed three months, or such longer time, if any, as may have been prescribed by the law for the punishment of the said act when committed by one person.

20. An act done by a person in contemplation or furtherance of a trade dispute shall not be actionable on the ground only that it induces some other person to break a contract of employment or that it is an interference with the trade, business, or employment of some other person, or with the right of some other person to dispose of his capital or his labour as he wills.
21. Every person who, with a view to compel any other person to abstain from doing or to do any act which such other person has a legal right to do or abstain from doing, wrongfully and without legal authority—

(1) uses violence to or intimidates such other person or his wife or children, or injures his property; or

(2) persistently follows such other person about from place to place; or

(3) hides any tools, clothes or other property owned or used by such other person, or deprives him of or hinders him in the use thereof; or

(4) watches or besets the house or other place where such other person resides or works or carries on business or happens to be or the approach to such house or place; or

(5) with two or more other persons follows such other person in a disorderly manner in or through any street or road,

shall be guilty of an offence punishable with a fine not exceeding twenty pounds or with imprisonment with or without hard labour for a term not exceeding three months.

22. Notwithstanding anything contained in this Ordinance it shall be lawful for one or more persons acting on their own behalf or on behalf of a trade union or of an individual employer or firm in contemplation or furtherance of a trade dispute, to attend at or near a house or place where a person resides or works or carries on business or happens to be, if they so attend merely for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or abstain from working.
THE SCHEDULE.
(Section 14.)

1. The name of the trade union.

2. The whole of the objects for which the trade union is to be established, the purposes for which the funds thereof shall be applicable, and the conditions under which any member may become entitled to any benefit assured thereby and the fines and forfeitures to be imposed on any member of the trade union.

3. The manner of making, altering, amending and rescinding rules.

4. A provision for the appointment and removal of a general committee of management, of a treasurer and other officers.

5. A provision for the keeping of full and accurate accounts by the treasurer.

6. A provision for the investment of the funds or their deposit in a bank and for an annual or periodical audit of accounts.

7. The inspection of the books and names of members of the trade union by every person having an interest in the funds of the trade union.

8. The manner of dissolving the trade union.
CHAPTER 74.

TRESPASS.

AN ORDINANCE RELATING TO TRESPASS.

[6th June, 1904.]

1. This Ordinance may be cited as the Trespass Ordinance.

2. In this Ordinance unless the context otherwise requires:—

   "Animal" includes mare, horse, foal, mule, bull, cow, calf, swine, sheep, goat;

   "Common" means the fenced Crown land bounding Stanley on the south, east and west;

   "Owner" includes the person having the charge or custody of an animal.

3. Any animal found straying in Stanley, or upon any Crown land or trespassing on any private fenced land, or tethered on any Crown land without a licence, or tethered otherwise than in the manner and place specified in such licence, or so tethered that it can trespass upon any road, path or drain, may be impounded in a public pound and the poundkeeper shall, unless he shall have given notice to the owner, place upon the Notice Board a description of such animal within twenty-four hours of such impounding: Provided that no penalty shall be imposed in respect of any animal found trespassing upon land having a gate opening on to the Common unless the Court shall be satisfied that such gate cannot be opened by an animal and was not left open.

4. The poundkeeper shall provide any impounded animal with a sufficiency of food and water under a penalty for neglect of any sum not exceeding five pounds.

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. I (D.S.).]
5. The owner of any impounded animal shall previously to such animal being released pay to the poundkeeper five shillings in respect of the first twenty-four hours or part thereof, and two shillings and sixpence in respect of every subsequent similar period that such animal shall remain in the pound.

6. Any person rescuing or unlawfully releasing any animal which has been lawfully seized and detained shall be liable to a penalty not exceeding two pounds.

7. Any animal that shall have been in the pound for six days may on the application of the poundkeeper and by order of any justice be sold by public auction and the proceeds of such sale, after paying the pound and trespass fees (if any) and any expenses incurred, shall be paid to the owner, if known, or disposed of in such manner as the Governor may direct: Provided that two days' notice of the intended sale shall be given to the owner, if known, and if the owner be not known a particular description of the animal shall be posted up in some public place at least three days before such sale.

8. Whenever any animal is found on the Common and the fees set forth in the Schedule hereto have not been paid in advance in respect of such animal the owner thereof shall be liable to a penalty not exceeding ten pounds.

9. Any person who shall wilfully, negligently or maliciously leave open any gate on or leading to or from the Common shall be liable to a penalty not exceeding ten pounds.

10. The Governor may by notice in the Gazette constitute such public pounds as may be necessary, and from time to time appoint any persons to be the poundkeepers thereof, and whenever the Governor shall not have appointed a keeper of the pound in Stanley the Chief Constable shall be the keeper thereof.

11. The Governor in Council may make regulations modifying the amounts of pound fees and commonage fees and providing for the issue of licences hereunder and the form thereof, and otherwise for carrying out the provisions of this Ordinance.
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<td>Any horse, mule or cow</td>
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<td>Any heifer between one and two years old</td>
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<td>Any horse, for the season 1st October to 30th April 5/-</td>
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<td>Any calf or foal not exceeding one year old</td>
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CHAPTER 75.

UNITED KINGDOM DESIGNS (PROTECTION).

AN ORDINANCE TO PROVIDE FOR THE PROTECTION IN THE COLONY OF DESIGNS REGISTERED IN THE UNITED KINGDOM.

[13th November, 1928.]

1. This Ordinance may be cited as the United Kingdom Designs (Protection) Ordinance, and shall apply to the Colony and the Dependencies.

2. Subject to the provisions of this Ordinance the registered proprietor of any design registered in the United Kingdom under the Patents and Designs Acts 1907 and 1919 or any Act amending or substituted for those Acts shall enjoy in the Colony the like privileges and rights as though the Certificate of Registration in the United Kingdom had been issued with an extension to the Colony.

3. The registered proprietor of a design shall not be entitled to recover any damages in respect of any infringement of copyright in a design from any defendant who proves that at the date of the infringement he was not aware nor had any reasonable means of making himself aware of the existence of the registration of the design:

Provided that nothing in this section shall affect any proceedings for an injunction.

4. The Supreme Court shall have power, upon the application of any person who alleges that his interests have been prejudicially affected, to declare that exclusive privileges and rights in a design have not been acquired in the Colony under the provisions of this Ordinance upon any of the grounds upon which the United Kingdom registration might be cancelled under the law for the time being in force in the United Kingdom. Such grounds shall be deemed to include the publication of the design in the Colony prior to the date of registration of the design in the United Kingdom.
CHAPTER 76.

WHALE FISHERY.

9 of 1936.

AN ORDINANCE TO CONSOLIDATE AND AMEND THE LAWS RELATING TO WHALE FISHERY.

[29th May, 1936.]

Short title. 1. This Ordinance may be cited as the Whale Fishery Ordinance.

Definitions. 2. In this Ordinance unless the context otherwise requires:—

"Coastal waters" means waters within a distance of three nautical miles from any point on the coast of the Colony measured from low water mark of ordinary spring tides;

"Catcher" means a ship for taking whales;

"Factory" does not include a ship;

"Master," in relation to any ship, includes the person for the time being in command or charge of the ship and, in relation to a ship used for treating whales, includes the person for the time being in charge of the operations on board the ship in connection with such treatment;

"Prescribed" means prescribed by regulations made under the authority of this Ordinance;

"Ship" includes every description of vessel used in navigation not propelled by oars;

"Licensed Ship" means a ship in respect of which the owner or charterer holds a licence under section 4 of this Ordinance.

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]
3. (1) If any person belonging to any ship while within the coastal waters of the Colony kills or takes, or attempts to kill or take—

(a) a right whale, or

(b) an immature whale, or

(c) a female whale which is accompanied by a calf,

that person and the master and the owner and the charterer (if any) of the ship shall each be liable to imprisonment for a term not exceeding three months, or to a fine not exceeding two hundred pounds and an additional fine not exceeding the value of the products (if any) obtained or obtainable from the whale in question, or to both such imprisonment and such fines.

(2) For the purposes of this section a whale of any description shall be deemed to be immature if it is less than such length as may be prescribed in relation to whales of that description:

Provided that the length prescribed for the purposes of this section in relation to blue whales shall not be less than sixty feet, and the length so prescribed in relation to fin whales shall not be less than fifty feet.

(3) In this section—

(a) the expression "calf" includes a suckling whale;

(b) the expression "right whale" means a whale known by any of the names set out in Part I of the First Schedule to this Ordinance;

(c) the expression "blue whales" means whales known by any of the names set out in Part II of the First Schedule to this Ordinance;

(d) the expression "fin whales" means whales known by any of the names set out in Part III of the First Schedule to this Ordinance.

4. (1) Without prejudice to the provisions of the last foregoing section, no ship shall be used within the coastal waters of the Colony for taking and treating whales, and no factory situate in the Colony shall be used for treating whales, unless the owner or the charterer of the ship, or the occupier of the factory, is the holder of a licence in force
under this Ordinance authorising the ship or the factory, as the case may be, to be so used.

(2) If any ship or factory is used for taking or treating whales in contravention of this section the master and the owner and the charterer (if any) of the ship, or the manager and the occupier of the factory, as the case may be, shall each be liable, in respect of each whale taken or treated in contravention of this section to imprisonment for a term not exceeding three months, or to a fine not exceeding two hundred pounds and an additional fine not exceeding the value of the products (if any) obtained or obtainable from the whale, or to both such imprisonment and such fines.

5. If any person belonging to any ship:—

(a) Has in his possession, or in any ship under his command, any products obtained or obtainable from the whale for the lawful possession of which he cannot account satisfactorily;

(b) Employs any ship for the purpose of towing or buoying the body of any whale in the coastal waters of the Colony, unless he shall have been expressly authorised by licence or otherwise to do so;

(c) Employs any licensed ship to tow, buoy or manufacture within the coastal waters of the Colony bodies of whales taken or towed or buoyed outside the coastal waters of the Colony by any ship unlicensed;

that person and the master and the owner and the charterer (if any) of the ship shall each be liable to imprisonment for a term not exceeding three months, or to a fine not exceeding two hundred pounds, or to both such imprisonment and fine.

6. (1) On application made in the prescribed manner by the owner or charterer of any ship, or by the occupier of any factory situate in the Colony, and on payment of such fees as may be prescribed, the Colonial Secretary, or such other officer as the Governor may appoint for the purpose, shall, subject to the following provisions of this Ordinance, grant to the applicant a licence in the form of the Second Schedule to this Ordinance authorising the ship or factory to be used
for taking whales, or for treating whales, as the case may
require.

(2) The fee prescribed in respect of the grant of a licence under this section shall not exceed—

(a) two hundred pounds in the case of a licence authorising the use of a ship or factory for treating whales; or

(b) one hundred pounds in the case of a licence authorising the use of a ship for taking whales.

(3) The Colonial Secretary, or such other officer as the Governor may appoint for the purpose, may refuse to grant a licence under this section to any person who has been convicted of an offence under this Ordinance.

7. The Governor may remit the whole or part of any payment or fee prescribed in respect of any whaling licence by any regulations made thereunder.

8. The Governor may give to the occupier of any factory to whom a lease of land within the Colony for treating whales is or has been granted an undertaking (which shall be subject to the provisions of this section) that the lessee will be granted a licence or licences annually, for such period not exceeding the duration of the lease and upon such terms and conditions consistent with the provisions of this Ordinance as the Governor may think fit; and when any such undertaking has been given, then so long as the terms and conditions contained in the lease and licence or licences are duly complied with, such licence or licences shall be granted in accordance with the undertaking.

9. (1) There shall be attached to every licence under this Ordinance authorising the use of a ship for taking whales a condition that the remuneration of the gunners and crew of the ship must, so far as it is calculated by reference to the results of their work, be calculated by reference to the size, species, oil-yield and value of the whales taken, and in such manner as to exclude remuneration in respect of any whale which is of less than such length as may be prescribed for the purposes of this section, or the taking of which is prohibited by this Ordinance.
(2) There shall be attached to every licence under this Ordinance authorising the use of a ship or factory for treating whales, the following conditions, that is to say—

(a) that there must be recorded in the prescribed manner and by the prescribed person—

(i) with respect to each whale treated in the ship or factory, the date and place of taking, the species and the sex of the whale, and such measurements and other biological information (including information as to the contents of its internal organs) as may be prescribed; and

(ii) the prescribed particulars as to the number of whales treated in the ship or factory, and as to the yield of oil of different grades, and the quantities of meal, guano and other products derived from those whales; and

(b) that the ship or factory must be equipped with plant of a type approved by the Governor for the extraction of oil from the blubber, flesh and bones of whales, and that steps must be taken to ensure that the plant is kept in good order and operated efficiently; and

(c) that, except in the case of a whale or part of a whale intended to be used for human food, the oil must be extracted, by boiling or otherwise, from all whale blubber, from the heads and tongues of whales and from their tails as far forward as the outer opening of the lower intestine; and

(d) in the case of a factory, that adequate arrangements must be made for utilising residual products.

(3) There shall be attached to every licence under this Ordinance the condition that the records required by the licence to be kept must be transmitted, at such times and in such manner as may be prescribed, to the Colonial Secretary or such other officer as the Governor may appoint for the purpose.

(4) There may be attached to any licence under this Ordinance such conditions (if any) in addition to the conditions required by the foregoing provisions of this section,
as appear to the Governor to be necessary or expedient for the purpose of preventing so far as practicable—

(a) any wastage of whales or whale products; or
(b) the taking of whales during certain seasons.

(5) Notwithstanding anything in the foregoing provisions of this section, no condition involving the substitution of one type of plant for another shall be attached to a licence under this section unless at least twelve months' notice of the intention to impose the condition has been given by the Colonial Secretary or such other officer as the Governor may appoint for the purpose in such manner as the authority think best for informing the persons concerned.

(6) The Colonial Secretary or such other officer as the Governor may appoint for the purpose may refuse to grant a licence under this Ordinance in respect of a ship or factory until the authority is satisfied, from an inspection of the ship or factory or by such other evidence as he may require, that any condition affecting the structure or equipment of the ship or factory which it is proposed to attach to the licence has been complied with.

(7) If any condition attached to a licence under this Ordinance is contravened or not complied with, then, in the case of a licence granted in respect of a ship, the master and (subject to the following provisions of this Ordinance) the owner and the charterer, if any, of the ship, or, in the case of a licence granted in respect of a factory, the manager and (subject as aforesaid) the occupier of a factory, shall each be liable to imprisonment for a term not exceeding three months, or to a fine not exceeding two hundred pounds, or to both such imprisonment and such fine; and the Court by whom the offender is convicted may, if the Court think fit, cancel any licence granted under this Ordinance to the offender, being a licence which is for the time being in force in respect of the ship or factory, as the case may be, and that licence shall thereafter cease to be in force.

(8) Without prejudice to the provisions of the last foregoing subsection, if any person fails to keep any record in accordance with the conditions attached to a licence under this Ordinance or knowingly makes in any record which he is required by such conditions to keep, a statement false in any material particular, he shall be liable to imprisonment
for a term not exceeding three months, or to a fine not exceeding fifty pounds, or to both such imprisonment and such fine.

10. (1) Notwithstanding anything in this Ordinance the Governor may grant to any person a special permit authorising that person to kill, take, and treat whales for purposes of scientific research or for other exceptional purposes, subject to such restrictions as to number, and subject to such other conditions as the Governor may think fit, and the killing, taking or treating of whales in accordance with a permit in force under this section shall be exempt from the operation of the foregoing provisions of this Ordinance.

(2) The Governor may at any time revoke a permit granted by him under this section.

11. The Governor in Council may from time to time make regulations:

(a) For fixing the terms and conditions on which licences to take and treat whales may be granted;

(b) For regulating the number of licences to be granted in any year;

(c) For defining the limits within which any holder of a licence shall be allowed to take whales;

(d) For regulating the number of whales to be taken in any year by any holder of a licence to take whales;

(e) For disposing by sale or otherwise of any whales, or the products obtained or obtainable from whales forfeited under the provisions of this Ordinance;

(f) For authorising the maintenance of spare whale catchers, regulating the use thereof; and prescribing fees in respect thereof, and

(g) generally for carrying out the provisions of this Ordinance, and the intent and object thereof.

And the Governor in Council may impose fines not exceeding fifty pounds for the breach of such regulations.
12. (1) In any proceedings taken by virtue of this Ordinance against the owner or charterer of a ship or against the occupier of a factory in respect of any act or omission on the part of another person, it shall be a good defence for the owner, charterer or occupier, as the case may be, to prove that the act or omission took place without his knowledge or connivance and was not facilitated by any negligence on his part.

(2) Proceedings in respect of offences under this Ordinance, or under any regulations made thereunder, may be taken, before the magistrate or any two justices of the peace in a summary manner, or in the Supreme Court of the Colony:

Provided that any fine imposed by the magistrate or two justices of the peace shall not exceed one hundred pounds, exclusive of costs.

13. For all purposes of and incidental to the trial and punishment of any person accused of any offence under this Ordinance, and the proceedings and matters preliminary and incidental to and consequential on his trial and punishment, and for all purposes of and incidental to the jurisdiction of any Court, or of any constable or officer with reference to such offence, the offence shall be deemed to have been committed either in the place in which it was actually committed or in any place in which the offender may for the time being be found.

14. Any fine adjudged under this Ordinance to be paid by the master, the owner or the charterer (if any) of a ship, may be recovered in the ordinary way, or, if the Court think fit so to order, by distress or arrest and sale of the ship to which the offender belongs, and her tackle, apparel, and furniture, and any property on board thereof or belonging thereto, or any part thereof.

15. Service of any summons or other matter in any legal proceedings under this Ordinance shall be good service if made personally on the person to be served, or at his last place of abode, or if made by leaving such summons or other matter for him on board any ship to which he may belong, with the person being or appearing to be in command or charge of such ship.
16. Notwithstanding anything in this Ordinance contained, the owner or lessee of any land or the agent of such owner or lessee, may take possession of any derelict whale found on such land, or on the coast or shore adjacent thereto, but such whale or any part thereof may not be appropriated by such owner or lessee, or agent as aforesaid, except with the permission of, and on such special terms and conditions in respect of royalty and otherwise as may be approved by the Governor in Council.

17. Any person who appropriates any derelict whale or any part thereof in contravention of the foregoing section shall be liable to a fine not exceeding one hundred pounds.

FIRST SCHEDULE.

Names of Whales.

PART I.

Right Whales.

Atlantic right whale.
Arctic right whale.
Biscayan right whale.
Bowhead.
Greenland right whale.
Greenland whale.
Nordkaper.

North Atlantic right whale.
North Cape whale.
Pacific right whale.
Pigmy right whale.
Southern pigmy right whale.
Southern right whale.

PART II.

Blue Whales.

Blue whale.
Sibbald’srorqual.

Sulphur bottom.

PART III.

Fin Whales.

Common finback.
Common finner.
Commonrorqual.
Finback.

Fin whale.
Herring whale.
Razorback.
True fin whale.
SECOND SCHEDULE.

FALKLAND ISLANDS.

THE WHALE FISHERY ORDINANCE.

Licence.

No. .................................................. 19.

Whaling Season..........................

Subject to the provisions of the Whale Fishery Ordinance and to the regulations made from time to time thereunder, and the conditions attached hereto, a Licence is hereby granted to the ...........................................................

of..............................................................
to take whales in the territorial waters of..................................................

..........................................., and to render, boil down, treat or manufacture whale carcases or any part thereof by means of a ship or factory for treating whales.

The period during which whales may be taken shall be

..............................................................

.................................................

Vessels to be employed under this Licence—

Ship for treating Whales............................................

Whale Catcher..................................................

do. ......................................................

....................................................... Colonial Secretary.
CHAPTER 77.

WILD ANIMALS AND BIRDS PROTECTION.

1 of 1913.
9 of 1914.
27 of 1949.
29 of 1949.

Short title.

1. This Ordinance may be cited as the Wild Animals and Birds Protection Ordinance.

Part I.

GENERAL

2. Any person who—

(a) knowingly kills or attempts to kill, or wounds or takes any wild animal or bird specified in the First Schedule to this Ordinance; or

(b) uses any lime, trap, net, snare or other instrument for the purpose of killing or taking any such wild animal or bird; or

(c) has in his control or possession or exposes or offers for sale or exports or attempts to export any such wild animal or bird killed or taken, or any part of any such wild animal or bird so killed or taken,

shall commit an offence and shall be liable to a fine not exceeding ten pounds for every such wild animal or bird or part of an animal or bird.

3. Any person who, during the period between the first day of August in any year and the last day of February in the following year, both days included (which period is hereinafter called the close season)—

(a) knowingly kills or attempts to kill or wounds or takes any wild animal or bird specified in the Second Schedule to this Ordinance; or

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]
(b) uses any lime, trap, net, snare, or other instrument for the purpose of killing or taking any such wild animal or bird; or

(c) has in his control or possession or exposes or offers for sale or exports or attempts to export any such wild animal or bird, or any part of any such wild animal or bird, killed or taken during the close season;

shall commit an offence and shall be liable, on conviction, to a penalty not exceeding one pound for every wild animal or bird or part of a wild animal or bird in respect of which an offence has been committed.

4. Whenever in any proceedings under sections 2 or 3 of this Ordinance it is alleged that the wild animal or bird in respect to which or to any part of which the charge is laid was killed or taken without the limits of the Colony or at a time when such bird might lawfully be killed or taken, the proof of such circumstance shall lie on the person alleging the same.

5. Notwithstanding anything contained in this Part of this Ordinance the Governor may, for such time and subject to such conditions as he thinks fit, authorise any person to kill or take any wild animal or bird, specified in the schedules, and to export such animal or bird.

6. The magistrate in any Dependency may authorise the killing or taking in that Dependency of any wild animal or bird specified in the schedules, and the export from that Dependency of any such animal or bird.

7. (a) The Governor in Council may order that the name or names of any wild animal or bird shall be added to or expunged from the list of animals and birds contained in Schedules I and II to this Ordinance and while such order remains in force this Ordinance shall be read and shall have effect as if the name of the animal or bird so added had been inserted or as if the name of the animal or bird so expunged had not been specified in the Schedule mentioned in such order.

(b) Such order may apply either to the whole of the Colony and its Dependencies or to any part of such whole.
8. (a) The Governor in Council may by Proclamation vary the close season established by section 3 of this Ordinance or by any such Proclamation with regard to any or all of the wild animals or birds named in the Second Schedule to this Ordinance, and while any such Proclamation remains in force this Ordinance shall be read subject to the variation made by such Proclamation.

(b) Such Proclamation may apply either to the whole of the Colony and its Dependencies or to any part of such whole.

Part II.

Penguins.

9. Any person who shall take or destroy any penguins' eggs without a licence under this Ordinance or contrary to the terms and conditions thereof or shall aid and abet any person not so licensed to take or destroy any penguins' eggs shall commit an offence and be liable to a fine not exceeding ten shillings for every egg so taken or destroyed.

10. The Colonial Secretary, a magistrate, a justice of the peace, a Deputy Collector of Customs, or such other officer or officers as the Governor may appoint for the purpose, may grant licences to take penguins' eggs to such persons as may apply for them for such periods, and on such terms and conditions in respect of the number and description of eggs to be taken, the territorial limits within which they may be taken under such licences, and the payment to be made in respect thereof, as may be approved by the Governor.

11. The Governor in Council may, from time to time, make regulations for carrying out the provisions of this Ordinance and the intent and object thereof, and may impose penalties not exceeding ten pounds for the breach of such regulations.

12. All regulations made in pursuance of this Ordinance shall be published in the Gazette and shall come into force on such day as the Governor may direct by notice published in the Gazette.
13. Any person who shall, without a licence or contrary to the terms and conditions of any licence which may have been granted to him under this Ordinance, take, or destroy, or incite any other person to take or destroy any penguins' eggs, shall on conviction before a magistrate, or any two justices of the peace, forfeit and pay for every egg so taken or destroyed a sum not exceeding five shillings.

14. Any owner or master or other person in charge of any vessel who shall permit such vessel, or any boat or canoe belonging to such vessel, to be employed in taking or destroying penguins' eggs, or who shall permit or negligently suffer any person belonging to such vessel to be employed in taking or destroying penguins' eggs, contrary to the provisions of this Part of this Ordinance, shall forfeit any eggs so taken and any eggs found in his possession, and in addition thereto shall be liable to a penalty not exceeding fifty pounds for each offence.

15. For all purposes of and incidental to the trial of any person accused of any offence under this Ordinance, and the proceedings and the jurisdiction of any Court, the offence shall be deemed to have been committed either in the place in which it was actually committed or in any place in which the offender may for the time being be found.

16. Any penalty adjudged under this Ordinance to be paid by the owner or master, or other person in charge of a vessel, may be recovered in the ordinary way, or, if the Court think fit so to order, by distress or arrest and sale of the vessel to which the offender belongs, and her tackle, apparel, and furniture, and any property on board thereof or belonging thereto, or any part thereof.

17. The Governor, and any person duly authorised by him in writing, may take or destroy for a scientific or any other special purpose, any penguins' eggs, and in so doing shall be exempt from any penalties and forfeitures under this Part of this Ordinance.
### Schedule I

- Cocoi Heron.
- Reindeer.
- Penguins (all varieties).
- Partridge.
- Upland Goose (South Georgia only).
- Flamingo.
- Red-breasted Starling (Trupialis falklandicus).
- Cape Horn Otter.

### Schedule II

- Widgeon.
- Grey Duck.
- Teal.
- Pintail Duck.
- Snipe.
- Pampa Teal.
- Cinnamon Teal.
CHAPTER 78.

WIRELESS TELEGRAPHY.

AN ORDINANCE TO REGULATE WIRELESS TELEGRAPHY AND SIMILAR METHODS OF COMMUNICATION.

[30th November, 1925.]

1. This Ordinance may be cited as the Wireless Telegraphy Ordinance.

2. The expression "Wireless telegraphy" means any system of communication by means of any apparatus for transmitting messages or other communications by means of electric signals without the aid of any wire connecting the points from and at which the messages or other communications are sent or received and shall include wireless telephony.

3. (1) No person shall establish or maintain any wireless telegraph station, or install or work or maintain any apparatus for wireless telegraphy in any place in the Colony or on board any ship or aircraft registered in the Colony, except under and in accordance with a licence granted in that behalf by the Governor in Council.

   (2) Every such licence shall be in such form and for such period as the Governor in Council may determine, and shall contain the terms, conditions and restrictions on and subject to which the licence is granted.

   (3) Where an applicant for a licence proves to the satisfaction of the Governor in Council that the sole object of obtaining the licence is to enable him to conduct experiments in wireless telegraphy, a licence for that purpose may be granted, subject to such special terms, conditions and restrictions, as the Governor in Council may think proper.

   (4) Any person who establishes a wireless telegraph station without a licence, or installs or works any apparatus for wireless telegraphy without a licence, shall be liable on conviction to a penalty not exceeding one hundred pounds.

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]
or to imprisonment not exceeding six months and in either case be liable to forfeit any apparatus for wireless telegraphy installed or worked without a licence.

(5) If a Justice of the Peace is satisfied by information on oath that there is reasonable ground for suspecting that a wireless telegraphy station has been established or maintained without a licence, or that any apparatus for wireless telegraphy has been installed or worked or maintained in any place or in any ship or aircraft within his jurisdiction without a licence, or contrary to the provisions of any regulations made under this Ordinance, he may grant a search warrant, and a warrant so granted shall authorise the police officer or person named therein to enter and inspect the station, place or ship or aircraft, and to seize any apparatus which appears to him to be used or intended to be used for wireless telegraphy therein.

4. (1) The Governor in Council may make regulations—

(a) prescribing the form and manner in which applications for licences under this Ordinance are to be made and the fees payable on the grant or renewal of any such licence;

(b) requiring any operators or other persons engaged in the working of wireless telegraphy to be provided with certificates and making provision as to the manner and the conditions of the issue and renewal of such certificate, including examination and tests to be undergone;

(c) as to the working of any apparatus for wireless telegraphy installed in ships and aircraft not registered in the Colony while such ships are in any harbour or the territorial waters of the Colony, and such aircraft are upon or over the territory or territorial waters of the Colony;

(d) for giving effect to the provisions of any international convention to which the Government of the Colony has acceded and any regulation made thereunder so far as the same relate to wireless telegraphy;

(e) generally for more effectually carrying into effect any of the purposes or provisions of this Ordinance.
(2) Any person acting in contravention of, or failing to comply with a regulation made under this section, shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding fifty pounds or both penalties, and in the case of a continued offence, a further fine not exceeding five pounds for each day during which the offence continued. He shall further be liable to forfeit any apparatus for wireless telegraphy in respect of which the offence is committed.

5. Any person who—

(a) sends or attempts to send by wireless telegraphy a signal of distress or a false or misleading message as to a vessel in distress; or

(b) improperly divulges the purport of any message sent or proposed to be sent by wireless telegraphy;

shall be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months or to both penalties and to forfeit any licence granted under this Ordinance and any apparatus by means of which the offence was committed.

6. If at any time in the opinion of the Governor an emergency has arisen in which it is expedient for the public service that His Majesty's Government should have control over the transmission of messages by wireless telegraphy it shall be lawful for the Superintendent of Posts and Telegraphs with the approval of the Governor or any other person authorised in that behalf by the Governor to take possession forthwith of any apparatus for any such purposes, and, during the continuance of the emergency, it shall be lawful for the Governor in Council to make such further rules as appear necessary with respect to the possession, sale, purchase, construction and use of apparatus for any such purpose or component parts of such apparatus.

Any person acting in contravention of any such regulation shall be liable on conviction to imprisonment for a term not exceeding six months or a fine not exceeding fifty pounds or both penalties.
CHAPTER 79.

WORKMEN'S COMPENSATION.

4 of 1937. 7 of 1939. 13 of 1948. 23 of 1949.

AN ORDINANCE TO PROVIDE FOR THE PAYMENT OF COMPENSATION TO WORKMEN FOR INJURIES SUFFERED IN THE COURSE OF THEIR EMPLOYMENT.

[20th November, 1937.]

Preliminary.

1. This Ordinance may be cited as the Workmen's Compensation Ordinance.

2. (1) In this Ordinance:—

"Adult" and "Minor" mean respectively a person who is not and a person who is under the age of eighteen years;

"Commissioner" means a Commissioner for Workmen's Compensation appointed under section 20;

"Compensation" means compensation as provided for by this Ordinance;

"Dependants" means 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:

Provided that a person shall not be deemed to be a partial dependant of a workman unless he was dependent partially on contributions from the workman for the provision of the ordinary necessaries of life suitable for persons in his class and position;

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]
"Employer" includes His Majesty in His Government of the Colony, and any body of persons whether incorporated or not, and any managing agent of an employer, and the legal 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 Ordinance, be deemed to continue to be the employer of the workman whilst he is working for that other person.

In relation to a person engaged in plying for hire with any vehicle, the use of which is obtained by that person under a contract of bailment (other than a hire purchase agreement), the person from whom the user of the vehicle is so obtained shall be deemed to be the employer.

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 be deemed to be the employer;

"Managing agent" means any person appointed or acting as the representative of another person for the purpose of carrying on such other person's trade or business, but does not include an individual manager subordinate to an employer;

"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;

"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;

"Partial disablement" means, where the disablement is of a temporary nature, such disablement as reduces the earning capacity of a workman in any employment.
in which he was engaged at the time of the accident resulting in the disablement, and, where the disablement is of a permanent nature, such disablement as reduces his earning capacity in every employment which he was capable of undertaking at that time:

Provided that every injury specified in the Schedule hereto shall be deemed to result in permanent partial disablement;

"Qualified medical practitioner" means a member of the medical profession registered under the Medical Practitioners Midwives and Dentists Ordinance;

"Registrar" means the Registrar of the Supreme Court;

"Total disablement" means such disablement, whether of a temporary or permanent nature, as incapacitates a workman for all work which he was capable of performing at the time of the accident resulting in such disablement:

Provided that permanent total disablement shall be deemed to result from the permanent total loss of the sight of both eyes or from any combination of injuries specified in the Schedule hereto where the aggregate percentage of the loss of earning capacity, as specified in that Schedule against those injuries, amounts to one hundred per cent;

"Wages" includes any privilege or benefit which is capable of being estimated in money, other than a travelling allowance or the value of any travelling concession, or a contribution paid by the employer of a workman towards any pension or provident fund, or a sum paid to a workman to cover any special expenses entailed on him by the nature of his employment;

"Workman" means any person who has entered into or works under a contract of service or apprenticeship with an employer, whether the contract was made before or after the commencement of this Ordinance and whether such contract is expressed or implied, is oral or in writing; and also includes a person engaged in plying for hire with any vehicle the use of which is obtained by that person 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:

Provided that the following persons shall not be regarded as workmen for the purposes of this Ordinance—

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

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

(c) out-workers; or

(d) persons in the naval, military or air forces of the Crown; or

(e) members of the employer's family dwelling in his house.

(2) 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.

(3) The exercise and performance of the powers and duties of a local or other public authority or of any department of the Government shall for the purposes of this Ordinance, unless a contrary intention appears, be deemed to be the trade or business of such authority or department.

(4) If on any proceedings for the recovery of compensation under this Ordinance it appears to the Commissioner 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.
Compensation.

3. (1) If personal injury is caused to a workman by accident arising out of and in the course of his employment, his employer shall be liable to pay compensation in accordance with the provisions of this Ordinance:

Provided that the employer shall not be so liable—

Slight injury.
7 of 1939.

(a) in respect of any injury which does not result in the total or partial disablement of the workman for a period exceeding three days;

(b) in respect of any injury to a workman resulting from an accident which is directly attributable to—

(i) the workman having been at the time thereof under the influence of drink or drugs, or

(ii) the wilful disobedience of the workman to an order expressly given, or to a regulation or rule expressly made, for the purpose of securing the safety of workmen, or

(iii) the wilful removal or disregard by the workman of any safety guard or other device which he knew to have been provided for the purpose of securing the safety of workmen.

Disease.

(2) No compensation shall be payable to a workman in respect of any disease unless the disease is solely and directly attributable to a specific injury by accident arising out of and in the course of his employment.

Liability for negligence.

(3) 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 Ordinance shall affect any civil liability of the employer, but in that case the workman may, at his option, either claim compensation under this Ordinance or take proceedings independently of this Ordinance; 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 Ordinance, and shall not be liable to any proceedings independently of this Ordinance, except in case of such personal negligence or wilful act as aforesaid.
(4) If, within the time hereinafter in this Ordinance limited for taking proceedings, an action is brought to recover damages independently of this Ordinance 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 Ordinance, 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 appellant 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 Ordinance. 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 and shall be registered as an agreement under this Ordinance:

Provided that an appellate tribunal may, instead of itself assessing such compensation, remit the case to a Commissioner for the assessment of the compensation and in such case may order the Commissioner to deduct from the amount of compensation assessed by him all or part of such cost as aforesaid.

4. (1) Subject to the provisions of this Ordinance, the amount of compensation shall be as follows, namely:

(a) Where death results from the injury and—

(i) the workman leaves a dependant or dependants wholly dependent upon his earnings, a sum equal to thirty-six months’ wages or six hundred pounds whichever is the less;

(ii) the workman does not leave a dependant or dependants wholly dependent upon his earnings, but leaves a dependant or dependants in part so dependent, such sum not exceeding the amount of compensation payable under the preceding paragraph as may be agreed upon or in default of agreement as may be awarded.
by the Commissioner to be reasonable and proportionate to the injury to the said dependant or dependants;

(iii) the workman leaves no dependants, the reasonable expenses of the burial of the deceased workman and the reasonable expenses of the medical attendance on the deceased workman, not exceeding in all the sum of fifteen pounds.

(b) Where permanent total disablement results from the injury—

(i) in the case of an adult, a sum equal to forty-eight months' wages or seven hundred and fifty pounds, whichever is the less, and

(ii) in the case of a minor, a sum equal to ninety-six months' wages or seven hundred and fifty pounds, whichever is less.

(c) Where permanent partial disablement results from the injury—

(i) in the case of an injury specified in the Schedule hereto, such percentage of the compensation which would have been payable in the case of permanent total disablement as is specified therein as being the percentage of the loss of earning capacity caused by that injury, and

(ii) in the case of an injury not specified in the Schedule hereto, such percentage of the compensation payable in the case of permanent total disablement as is proportionate to the loss of earning capacity permanently caused by the injury.

Where more injuries than one are caused by the same accident, the amount of the compensation payable under this head shall be aggregated, but not so in any case as to exceed the amount which would have been payable if permanent total disablement had resulted from the injuries.

(d) Where temporary disablement, whether total or partial, results from the injury, a half-monthly payment payable on the sixteenth day from the date of the disablement, and thereafter half-monthly
during the disablement or during a period of five years, whichever period is shorter—

(i) in the case of an adult, of a sum equal to one-fourth of his monthly wages, and

(ii) in the case of a minor, of a sum equal to one-third of his monthly wages:

Provided that there shall be deducted from any lump sum or half-monthly payments to which the workman is entitled the amount of any payment or allowance which the workman has received from the employer by way of compensation during the period of disablement prior to the receipt of such lump sum or of the first half-monthly payment, as the case may be, and no half-monthly payment shall in any case exceed the amount, if any, by which half the amount of the monthly wages of the workman before the accident exceeds half the amount of such wages as he is earning or is able to earn in some suitable employment or business after the accident:

Provided further that if the disablement lasts less than four weeks, no compensation shall be payable in respect of the first three days.

(2) On the ceasing of the disablement before the date on which any half-monthly payment falls due, there shall be payable in respect of that half month a sum proportionate to the duration of the disablement in that half month.

5. (1) For the purposes of section 4 the monthly wages of a workman shall be calculated as follows, namely—

(a) where the workman has, during a continuous period of not less than twelve months immediately preceding the accident, been in the service of the employer who is liable to pay compensation, the monthly wages of the workman shall be one-twelfth of the total wages which have fallen due for payment to him by the employer in the last twelve months of that period;

(b) in other cases, the monthly wages shall be thirty- six times the total wages earned in respect of the last continuous period of service immediately preceding the accident from the employer who is liable to pay compensation, divided by the number of days comprising such period:
Provided that if the amount of the monthly wages arrived at by calculation under clause (a) or clause (b) is more than twelve pounds and ten shillings, such monthly wages shall be assumed to be twelve pounds and ten shillings.

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

6. (1) Any half-monthly payment payable under this Ordinance either under an agreement between the parties or under the order of a Commissioner, may be reviewed by the Commissioner on the application either of the employer or of the workman accompanied by the certificate of a qualified medical practitioner that there has been a change in the condition of the workman or, subject to regulations made under this Ordinance, on application made without such certificate.

(2) Any half-monthly payment may, on review under this section, subject to the provisions of this Ordinance, be continued, increased, decreased or ended, or, if the accident is found to have resulted in permanent disablement, be converted to the lump sum to which the workman is entitled less any amount which he has already received by way of half-monthly payments.

7. Any right to receive half-monthly payments may, by agreement between the parties, or, if the parties cannot agree and the payments have been continued for not less than six months, on the application of either party to the Commissioner, be redeemed by the payment of a lump sum of such amount as may be agreed to by the parties or determined by the Commissioner, as the case may be.

8. (1) Compensation payable where the death of a workman has resulted from an injury shall be deposited with the Registrar, and any sum so deposited shall be apportioned among the dependants of the deceased workman or any of them in such proportion as the Commissioner thinks fit, or may in the discretion of the Commissioner, be allotted to any one such dependant, and the sum so allotted to any dependant shall be paid to him or be invested, applied or otherwise dealt with for his benefit in such manner as the Commissioner thinks fit.
(2) Compensation payable where permanent disable-
ment has resulted from an injury, and lump sums payable
under the provisions of the preceding section where tempo-
rary disablement has resulted from an injury, shall be deposited
with the Registrar; and any sum so deposited shall be paid
to the person entitled thereto or be invested, applied or
otherwise dealt with for his benefit in such manner as the
Commissioner thinks fit.

(3) Any other compensation payable under this Ordin-
ance may be deposited with the Registrar and, when so
deposited, shall be paid by the Registrar to the person
entitled thereto.

(4) The receipt of the Registrar shall be a sufficient
discharge in respect of any amount deposited with him under
the provisions of this Ordinance.

(5) On the deposit of any money under subsection (1),
the Registrar may deduct therefrom the actual cost of the
workman’s funeral expenses, to an amount not exceeding
fifteen pounds, and pay the same to the person by whom
such expenses were incurred, and shall, if he thinks necessary,
cause notice to be published or to be served on each de-
pendant in such manner as he thinks fit, calling upon the
dependants to appear before the Commissioner on such date
as he may fix for determining the distribution of the com-
pensation. If the Commissioner is satisfied, after any
inquiry which he may deem necessary, that no dependant
exists, he shall direct the Registrar to repay the balance of
the money to the employer by whom it was paid. The
Registrar shall, on application by the employer, furnish a
statement showing in detail all disbursements made.

(6) Where a half-monthly payment is payable under
this Ordinance to a workman under any legal disability, the
Commissioner may, of his own motion or on application
made to him in this behalf, order that the half-monthly
payment be paid during the disability to any dependant of
the workman or to any other person whom he thinks best
fitted to provide for the welfare of the workman.

(7) Where, on application made to him in this behalf
or otherwise, the Commissioner is satisfied that, on account
of neglect of children on the part of a parent, or on account
of the variation of the circumstances of any dependant, or
for any other sufficient cause, an order of the Commissioner as to the distribution 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 Commissioner may make such order for the variation of the former order as he thinks just in the circumstances of the case:

Provided that no such order prejudicial to any person shall be made unless such person has been given an opportunity of showing cause why the order should not be made, or shall be made in any case in which it would involve the repayment by a dependant of any sum already paid to him.

(8) The solicitor or agent of a person claiming compensation under this Ordinance shall not be entitled to recover from him any costs in respect of such claim 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 a Commissioner, subject to regulations made under this Ordinance, on an application made either by the person claiming compensation, or by his solicitor or agent to determine the amount of the costs to be paid to the solicitor or agent.

9. Save as provided by this Ordinance, no lump sum or half-monthly payment payable under this Ordinance shall be capable of being assigned, charged or attached or shall pass to any person other than the workman by operation of law, nor shall any claim be set off against the same.

10. (1) Proceedings for the recovery under this Ordinance 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 Colony, 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 Colony, or other reasonable cause.

(2) Notice in respect of an injury under this Ordinance 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.

11. (1) 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 Ordinance is dispensed with, a workman shall, if the employer offers to have him examined free of charge by a qualified medical practitioner, submit himself for such examination, and any workman who is in receipt of a payment under this Ordinance shall, if so required, submit himself for such examination from time to time:

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Provided that a workman shall not be required to submit himself for examination by a medical practitioner otherwise than in accordance with regulations made under this Ordinance, or at more frequent intervals than may be prescribed.

(2) If a workman, being required to do so by the employer under subsection (1) or by the Commissioner at any time, refuses to submit himself for examination by a qualified medical practitioner or in any way obstructs the same, his right to compensation shall be suspended during the continuance of such refusal or obstruction unless, in the case of refusal, he was prevented by any sufficient cause from so submitting himself.

(3) If a workman, before the expiry of three days from the time at which service of notice of an accident has been effected or, when an accident occurs in respect of which the necessity of giving notice under this Ordinance is dispensed with, before the expiry of three days from the date of such accident, voluntarily and without due cause leaves the vicinity of the place in which he was employed without having been examined by a qualified medical practitioner, his right to compensation shall be suspended until he returns and offers himself for such examination.

(4) Where a workman, whose right to compensation has been suspended under subsection (2) or subsection (3), dies without having submitted himself for medical examination as required by either of those subsections, the Commissioner may, if he thinks fit, direct the payment of compensation to the dependants of the deceased workman.

(5) Where under subsection (2) or subsection (3) a right to compensation is suspended, no compensation shall be payable in respect of the period of suspension.

(6) Where an injured workman has refused to be attended by a qualified medical practitioner whose services have been offered to him by the employer free of charge, or having accepted such offer has deliberately disregarded the instructions of such medical practitioner, then, if it is thereafter proved that the workman has not been regularly attended by a qualified medical practitioner and that such refusal, failure or disregard was unreasonable in the circumstances of the case and that the injury has been aggra-
vated thereby, the injury and resulting disablement shall be
demed to be of the same nature and duration as they might
reasonably have been expected to be if the workman had
been regularly attended by a qualified medical practitioner,
and compensation, if any, shall be payable accordingly.

12. (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 under-
taken by the principal, the principal shall be liable to pay
to any workman employed in the execution of the work any
compensation under this Ordinance 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 Ordinance 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.

(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 to and the amount of any such
indemnity shall, in default of agreement, be settled by the
Commissioner.

(3) Nothing in this section shall be construed as
preventing a workman recovering compensation under this
Ordinance 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 manage-
ment.

13. Where the injury for which compensation is payable
under this Ordinance was caused under circumstances
creating a legal liability in some person other than the
employer to pay damages in respect thereof—
14. (1) Where any employer has entered into a contract with any insurers in respect of any liability under this Ordinance 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 33 of the Bankruptcy Act, 1914,
are, in the distribution of the property or assets of
a bankrupt, to be paid in priority to all other debts;
(ii) under section 209 of the Companies (Consolidation)
Act, 1908, are, in the winding up of a company, to
be paid in priority to all other debts;
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.

Where the compensation is a half-monthly 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 half-monthly payment could, if redeemable, be
redeemed if the employer made an application for that pur-
pose under this Ordinance, and a certificate of the Com-
missioner as to the amount of such sums shall be conclusive
proof thereof.

(4) 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.

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

15. The Governor may, by notification in the Gazette
direct that every person employing workmen, or that any
specified class of such persons, shall send at such time and in
such form and to such person as may be specified in the
notification, a correct return specifying the number of
injuries in respect of which compensation has been paid by
the employer during the previous year and the amount of
such compensation, together with such other particulars as
to the compensation as the Governor may direct. Any
person failing to comply with the provisions of this section
shall be liable on summary conviction by a Magistrate to a penalty of five pounds.

16. Any contract or agreement, whether made before or after the commencement of this Ordinance, whereby a workman relinquishes any right of compensation from the employer for personal injury arising out of or in the course of his employment, shall be null and void in so far as it purports to remove or reduce the liability of any person to pay compensation under this Ordinance.

17. This Ordinance shall apply to workmen employed under the Crown in the same way and to the same extent as if the employer were a private person, except in the case of persons in the naval or military or air service of the Crown and persons in the Civil employment of His Majesty otherwise than in His Government of the Colony:

Provided that this Ordinance shall not apply in the case of a workman in, or selected for appointment to, the service of the Government of the Colony before the date on which this Ordinance comes into operation where, in consequence of injury received by any such workman in the discharge of his duties, a pension or gratuity which would not be payable if such injury were received otherwise, is paid to him or, in the case of his death, to any of his dependants as defined in this Ordinance, under any Ordinance or Regulation providing for the grant of such pension or gratuity.

18. The provisions contained in the proviso to the last preceding shall mutatis mutandis apply in respect of a workman in the employment of any public or local authority where provisions exist by law or by by-law or regulation made under a law for the grant of a pension or gratuity to such workman in the case of injury received by him in the discharge of his duties, or to any other person in the event of the workman’s death resulting from that injury.

Commissioners.

19. (1) If any question arises in any proceedings under this Ordinance as to the liability of any person to pay compensation (including any question as to whether a person injured is or is not a workman) or as to the amount
or duration of compensation (including any question as to the nature or extent of disablement), the question shall, in default of agreement, be settled by the Commissioner.

(2) No Court shall have jurisdiction to settle, decide or deal with any question which is by or under this Ordinance required to be settled, decided or dealt with by a Commissioner, or, save as in this Ordinance or any rule or regulation made thereunder is provided, to enforce any liability incurred under this Ordinance.

20. (1) The Governor may appoint any person to be a Commissioner for Workmen’s Compensation for the Colony or for such district as he may specify, and may at any time cancel any such appointment.

(2) Any Commissioner may for the purpose of deciding any matter referred to him for decision under this Ordinance appoint one or more persons possessing special knowledge of any matter relevant to the matter under inquiry to assist him in holding the inquiry.

21. In the event of the appointment of Commissioners for districts:

(1) Where any matter is under this Ordinance to be done by or before a Commissioner, the same shall, subject to the provisions of this Ordinance and to any regulations made hereunder, be done by or before the Commissioner for the district in which the accident took place which resulted in the injury.

(2) If a Commissioner is satisfied by any party to any proceedings under this Ordinance pending before him that such matter can be more conveniently dealt with by any other Commissioner, he may, subject to regulations made under this Ordinance, order such matter to be transferred to such other Commissioner either for report or for disposal, and, if he does so the Registrar shall forthwith transmit to such other Commissioner all documents relevant for the decision of such matter and, where the matter is transferred for disposal, the Registrar shall also transmit in the prescribed manner any money remaining in his hands or invested by him for the benefit of any party to the proceedings.
(3) The Commissioner to whom any matter is so transferred shall, subject to regulations made under this Ordinance inquire thereinto and, if the matter was transferred for report, return his report thereon or, if the matter was transferred for disposal, continue the proceedings as if they had originally commenced before him.

(4) On receipt of a report from a Commissioner to whom any matter has been transferred for report under subsection (2), the Commissioner by whom it was referred shall decide the matter referred in conformity with such report.

22. (1) No application for the settlement of any matter by a Commissioner shall be made unless and until some question has arisen between the parties in connection therewith which they have been unable to settle by agreement.

(2) Where any such question has arisen, the application may be made in such form and shall be accompanied by such fee, if any, as may be prescribed and shall contain, in addition to any particulars which may be prescribed, the following particulars, namely—

(a) a concise statement of the circumstances in which the application is made and the relief or order which the applicant claims;

(b) in the case of a claim for compensation against an employer, the date of service of notice of the accident on the employer and, if such notice has not been served in due time, the reason for such omission;

(c) the names and addresses of the parties; and

(d) a concise statement of the matters on which agreement has and of those on which agreement has not been come to.

(3) If the applicant is illiterate or for any other reason is unable to furnish the required information in writing, the application shall, if the applicant so desires, be prepared under the direction of the Registrar.
23. The Commissioner shall have all powers of the Supreme Court for the purpose of enforcing the attendance of witnesses, compelling the production of documents and material objects, administering oaths and taking evidence, amending any defect or error in any proceeding, enlarging the time appointed for taking any proceeding or for doing any act, and punishing for contempt of Court.

24. (1) Any appearance, application or act required to be made or done by any person before or to a Commissioner (other than an appearance of a party which is required for the purpose of his examination as a witness) may be made or done on behalf of such person by a legal practitioner or, with the leave of the Commissioner, by his son, daughter, father, mother, brother, sister or wife or any person in his permanent employment.

(2) No person other than a legal practitioner who appears or acts on behalf of any party in connection with proceedings before a Commissioner under this Ordinance shall be entitled to any fee or reward for so appearing or acting.

25. The Commissioner shall make notes of the evidence of every witness as the examination of the witness proceeds, and such notes shall be written and signed by the Commissioner with his own hand and shall form part of the record:

Provided that the evidence of any medical witness shall be taken down as nearly as may be word for word.

26. All costs incidental to any proceedings before a Commissioner shall, subject to regulations made under this Ordinance, be in the discretion of the Commissioner.

27. At the conclusion of the hearing of every application for the settlement of a matter by the Commissioner the Commissioner shall record his decision and order. Where the order directs the payment of compensation under this Ordinance or the variation of the amount or rate of payment of compensation previously ordered by the Commissioner or settled by agreement, the Commissioner shall direct the Registrar to record a memorandum of his order in a register in the prescribed manner.
Registration of agreements.

28. (1) Where the amount of compensation under this Ordinance has been settled or varied by agreement, a memorandum thereof shall be sent by the employer, and may be sent by any party interested, to the Commissioner, who shall, on being satisfied as to its genuineness, direct the Registrar to record the memorandum in a register in the prescribed manner:

Provided that—

(a) no such memorandum shall be recorded before seven days after communication by the Registrar of notice to the parties concerned;

(b) where a workman seeks to record a memorandum of agreement between his employer and himself for the payment of compensation 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 recording of such memorandum, the memorandum shall only be recorded, if at all, on such terms as the Commissioner thinks just in the circumstances;

(c) the Commissioner may at any time rectify the register;

(d) where it appears to the Commissioner that an agreement as to the payment of a lump sum, whether by way of redemption of a half-monthly payment or otherwise, or an agreement as to the amount of compensation payable to a person under any 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 having been obtained by fraud or undue influence or other improper means, he may refuse to record the memorandum of the agreement or may make such order, including an order as to any sum already paid under the agreement, as he thinks just in the circumstances;

(e) the Commissioner may, within six months after a memorandum of an agreement as to the payment of a lump sum, whether by way of redemption of half-monthly payment or otherwise, or of an agreement as to the amount of compensation payable to
a person under any legal disability or to dependants, has been recorded in the register, order that the record be removed from the register on proof to his satisfaction that the agreement was 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 he thinks just in the circumstances.

(2) Any memorandum of agreement to which this section applies shall disclose the amount (if any) paid or payable under or in respect of the agreement by the employer to the solicitor and counsel for the workman or his dependants as costs, and, if it appears to the Commissioner that the amount is excessive, the Commissioner shall, subject to regulations made under this Ordinance, tax such costs, or order the same to be taxed by the Registrar, and if the costs are reduced on 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.

29. Every memorandum and every amendment to a memorandum registered under section 27 or section 28 and every order made under section 28, when recorded as required by the said sections, shall thereupon for all purposes be enforceable as a Supreme Court judgment.

30. Where a memorandum of any agreement, the registration of which is required by section 28, is not sent to the Commissioner as required by that section, the employer shall be liable to pay the full amount of compensation which he is liable to pay under the provisions of this Ordinance, and notwithstanding anything contained in the proviso to subsection (1) of section 4 shall not, unless the Commissioner otherwise directs, be entitled to deduct more than half of any amount paid to the workman by way of compensation whether under the agreement or otherwise.

31. (1) With the leave of the Judge, or upon the certificate of the Commissioner making the order that it is a fit case for appeal from his order, an appeal shall lie to the Judge of the Supreme Court in summary jurisdiction from any order of a Commissioner where a question of law is involved in the appeal.