

The Union of South Africa,  
India,  
Pakistan,  
Ceylon,  
Southern Rhodesia,  
Any colony being part of Her Majesty's dominions,  
Any British protectorate or British protected state,  
Any territory for the time being administered by the Government  
of any part of Her Majesty's dominions under the trusteeship  
system of the United Nations,  
South-West Africa,  
Republic of Ireland,

  
Deputy Clerk of Councils.

COUNCIL CHAMBER,  
24th November, 1952.

(Secretariat 8/761/52)

## IMPORTATION AND EXPORTATION ORDINANCE.

(Chapter 50).

### REGULATIONS BY THE GOVERNOR IN COUNCIL.

In exercise of the powers conferred by section 4 of the Importation and Exportation Ordinance, the Governor in Council has made the following regulations—

1. These regulations may be cited as the Exportation Citation, (Prohibition) (Coronation Souvenirs) Regulations, 1952.

2. Except under an export licence issued by the Director of Commerce and Industry the exportation is prohibited of any article of any description specified in paragraph 1 or 2 of the Schedule. Prohibition of exportation of certain articles without a licence.

3. Any person who contravenes any of the provisions of regulation 2 shall be guilty of an offence and shall be liable to a fine of twenty thousand dollars and imprisonment for six months. Penalties.

4. These regulations shall cease to have effect on the 1st July, 1953. Duration.

### SCHEDULE.


#### *Description of Goods.*

1. Articles of all kinds suitable for use for or in connexion with the celebration or commemoration of the Coronation of Her Majesty or as souvenirs thereof, being articles which consist of or bear a representation of Her Majesty, any member of the Royal Family, the Royal Cypher, the Royal Arms, any Royal emblem, escutcheon, badge, crest, armorial bearings or insignia, any article or building associated with the Coronation, or a flag of any country specified in paragraph 3 hereof, or which consist of or bear any other mark or device which renders them suitable for use as aforesaid.

2. Flags of any country so specified and flags resembling any such flag.

3. United Kingdom,  
Canada,  
Australia,  
New Zealand.

The Union of South Africa,  
India.  
Pakistan.  
Ceylon,  
Southern Rhodesia,  
Any colony being part of Her Majesty's dominions,  
Any British protectorate or British protected state.  
Any territory for the time being administered by the Government  
of any part of Her Majesty's dominions under the trusteeship  
system of the United Nations.  
South-West Africa,  
Republic of Ireland.

  
Deputy Clerk of Councils.

COUNCIL CHAMBER,  
24th November, 1952.

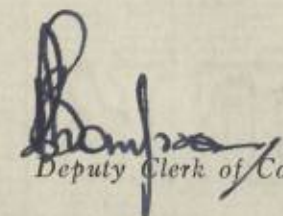
(Secretariat 8/761/52)

LEGISLATIVE COUNCIL RESOLUTION.

SOCIETIES ORDINANCE.

(Chapter 151).

Resolved, pursuant to section 26 of the Societies Ordinance,  
Chapter 151, that the duration of the said Ordinance be extended  
for the term of one year with effect from the 1st January, 1953.

  
Deputy Clerk of Councils.

COUNCIL CHAMBER,  
3rd December, 1952.

(Secretariat 37/3231/47)

LEGISLATIVE COUNCIL RESOLUTION.

DUTIABLE COMMODITIES ORDINANCE.

(Chapter 109).

RESOLVED pursuant to section 4 of the Dutiable Com-  
modities Ordinance (Cap. 109) as follows:—

That the DUTIES ON HYDROCARBON OILS set forth  
in the Resolution of the Legislative Council published as  
Government Notification No. 191 of 1941 and reproduced  
in Volume IX at p. 276 of the Revised Edition, 1950, be  
revoked with effect from 8 a.m. on 4th December, 1952,  
and that thereafter duty shall be payable on hydrocarbon  
oils at the following rates—

(a) light oils :	80 cents per gallon
(b) heavy oils :	
(i) diesel oil for road vehicles	\$104 per ton
(ii) other diesel oil	\$ 26 per ton
(iii) furnace oil	\$ 24 per ton
(iv) other heavy oils not specified above	10 cents per gallon.

  
Deputy Clerk of Councils.

COUNCIL CHAMBER,  
3rd December, 1952.

*Explanatory Note.*

*(This note does not form part of the Resolution).*

The rates of duty on hydrocarbon oils at present in force are based on gallonage. It is however normal commercial practice to keep all records of purchases, stocks, sales etc. of heavy oils on the basis of tonnage. As the specific gravity of each consignment varies, it is necessary to calculate it in each case in order to determine the duty payable.

2. The purpose of this Resolution is to change the basis of assessment of duty on the main types of heavy oil from gallonage to tonnage. The rates per ton proposed are based on average specific gravities over the year July, 1951 to June, 1952 and are designed to produce the same revenue. They have been agreed with the principal oil companies.

(Secretariat 4/2306/52)

RULES OF COURT  
made under  
THE COMPANIES ORDINANCE.  
(Chapter 32).

In exercise of the power conferred by section 281 of the Companies Ordinance, I, Sir Gerard Lewis Howe, Kt., Q.C., Chief Justice in and for the Colony of Hong Kong, with the concurrence of the Legislative Council, have made the following rules—

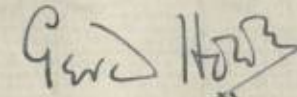
1. These rules may be cited as the Companies (Winding-up) Citation. (Amendment) Rules, 1952.

2. The Companies (Winding-up) Rules are amended by revoking rule 176 thereof and substituting the following therefor:—

“Costs and taxation. **176.** All costs and disbursements incurred in a winding up by the court shall be taxed by the Registrar.”

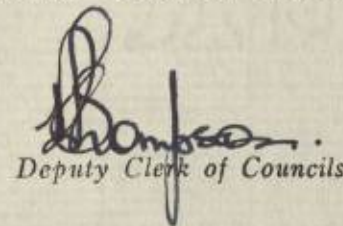
Revocation and replacement of rule 176.

Dated the 17th day of November, 1952.



Chief Justice.

Concurred with and approved by Legislative Council this 3rd day of December, 1952.



COUNCIL CHAMBER,  
3rd December, 1952.

Deputy Clerk of Councils.

*Explanatory Note.*

*(This note does not form part of the Rules)*

Rule 176 provides that in the case where the paid up capital of the company sought to be wound-up is under \$100,000.00, the costs incurred are to be allowed on the Summary Jurisdiction scale. Since all such proceedings are before the Court of Original Jurisdiction, the Summary Jurisdiction scale of costs is considered inadequate, in particular as Counsel is necessary. The new Rules impose the scale of costs which already applies to other proceedings before the Court of Original Jurisdiction.

(Secretariat 19/3231/52)

PUBLIC HEALTH (FOOD) ORDINANCE.

(Chapter 140).

BY-LAWS MADE BY THE URBAN COUNCIL.

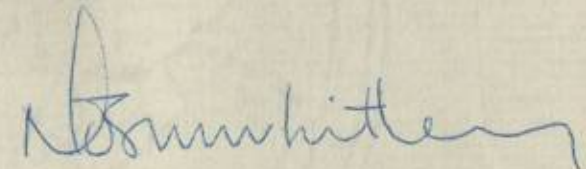
In exercise of the power conferred by section 5 of the Public Health (Food) Ordinance, the Urban Council has made the following by-laws—

1. These by-laws may be cited as the Markets (Amendment) (No. 3) By-laws, 1952, and shall be read as one with the Markets By-laws. Citation. (Vol. X, p. 147).

2. By-law 1 of the principal by-laws is amended by the addition of the following immediately above the words "Bowrington Market"— Amendment of by-law 1 of the principal by-laws.

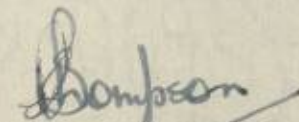
"Aplichau Temporary Market."

Made by the Urban Council this 18th day of November, 1952.



Secretary, Urban Council.

Approved by the Legislative Council this 3rd day of December, 1952.



Deputy Clerk of Councils.

COUNCIL CHAMBER,  
3rd December, 1952.

(Secretariat 1/3531/46)

MERCHANT SHIPPING ORDINANCE, 1899.

REGULATIONS BY THE GOVERNOR IN COUNCIL

under section 46.

In exercise of the power conferred by section 46 of the Merchant Shipping Ordinance, 1899, and of every other power him enabling, the Governor in Council has made the following regulations—

1. These regulations may be cited as the Merchant Shipping (Embarkation, Disembarkation, Loading and Off-loading) Regulations, 1952. Citation.

2. No person shall be embarked or disembarked and no cargo or thing shall be loaded or off-loaded—

(a) from any vessel outward bound, except at the port of destination named on the clearance of such vessel;

(b) from any vessel inward bound at any place within the waters of the Colony other than a port of the Colony specified in Table W of the regulations made under the Ordinance.

Embarkation, disembarkation etc. on outward and inward bound vessels.

(Fraser, Vol. I, p. 387).

3. No cargo or thing shall be loaded or off-loaded onto or from any portion of the length of the praya wall from the naval dockyard at Murray Road, Victoria, to Gilman Street, Victoria, except so far as the same may be permitted onto or from the following piers—

Restriction on loading or off-loading between naval dockyard and Gilman Street.

Murray Pier (Government Pier);

Queen's Pier (Government Pier);

Star Ferry Pier;

Blake Pier (Government Pier);

Victoria Permanent Pier No. 14 (P. & O. Pier);

Vehicular Ferry Pier;

Victoria Permanent Pier No. 12 (Custodian's Wharf).

4. Any person who contravenes regulation 2 or 3 shall be guilty of an offence and shall be liable to a fine of five hundred dollars or to imprisonment for six months. Penalty.

Rescission. 5. The regulations published as Government Notification No. A. 160 in the *Gazette* of the 4th June, 1948, are hereby rescinded.



*Clerk of Councils.*

COUNCIL CHAMBER,  
9th December, 1952.

*Explanatory Note.*

A rail is to be erected along the edge of the praya wall from the naval dockyard to Gilman Street to prevent accidents similar to those which have recently occurred. This involves the prohibition, except at piers, of loading or unloading of cargo between these points. Such purpose is effected by regulation 3, but the opportunity is taken to consolidate this new provision with a revised version of the regulations relating to embarkation, disembarkation, loading and off-loading of persons and of cargo which were promulgated in 1948, such earlier regulations accordingly being rescinded.

(Secretariat 7/4616/52)

HOLIDAYS ORDINANCE, Cap. 149.  
Notification under Section 7.

In exercise of the powers conferred by Section 7 of the Holidays Ordinance, Chapter 149, the Governor in Council has appointed Tuesday, 2nd June, 1953, and Wednesday, 3rd June, 1953, to be additional general holidays.



*Clerk of Councils.*

COUNCIL CHAMBER,  
9th December, 1952.

VEHICLE AND ROAD TRAFFIC ORDINANCE.

(Chapter 220).

REGULATIONS BY THE GOVERNOR IN COUNCIL.

In exercise of the power conferred by section 3 of the Vehicle and Road Traffic Ordinance, the Governor in Council has made the following regulations—

1. These regulations may be cited as the Vehicle and Road Traffic (Amendment) Regulations, 1952, and shall be read as one with the Vehicle and Road Traffic Regulations.


Citation.  
(Vol. II of the Regulations of Hong Kong, (1937 Edition) p. 723.)

2. Paragraph 2 of Schedule F of the principal regulations is amended by the deletion of the figures "28" appearing in the second line thereof and by the substitution therefor of the figures "30".

Amendment of paragraph 2 of Schedule F of the principal regulations.

3. Paragraph 3 of Schedule F of the principal regulations is amended by the deletion of the figures and words "7 ft. 6 in." and by the substitution therefor of the figure and word "8 ft."

Amendment of paragraph 3 of Schedule F of the principal regulations.

  
Deputy Clerk of Councils.

COUNCIL CHAMBER,  
13th December, 1952.

(Secretariat L.M.G. 3375)

LANDLORD AND TENANT ORDINANCE,  
(Chapter 255).

NOTIFICATION  
(under section 31 (1)).

It is hereby notified that in exercise of the powers conferred by section 31 (1) of the Landlord and Tenant Ordinance, Chapter 255, the Governor in Council on the 13th day of December, 1952, did Order that the premises specified in the Schedule hereto be excluded from the further application of the said Ordinance.

SCHEDULE.

The premises known as: Nos. 584A, 588, 588A, 590, 592, 594, 594A, 596, 598, 598A, and 600 Nathan Road, Kowloon.



*Deputy Clerk of Councils.*

COUNCIL CHAMBER,  
13th December, 1952.  
(Secretariat 16/736/52)




CONTROL OF PUBLICATIONS CONSOLIDATION  
ORDINANCE, 1951.

REGULATIONS BY THE GOVERNOR IN COUNCIL.

In exercise of the power conferred by section 16 of the Control of Publications Consolidation Ordinance, 1951, the Governor in Council has made the following regulations—

1. These regulations may be cited as the Printed Documents (Control) (Amendment) Regulations, 1952, and shall be read as one with the Printed Documents (Control) Regulations, 1951. Citation. (15 of 1951, Second Schedule, Part IV).
2. The principal regulations are amended by the insertion therein immediately after regulation 14 of the following regulation— Addition of new regulation 15 to the principal regulations.
- “Exemption. 15. The Governor may under the hand of the Colonial Secretary exempt any printed documents from all or any of the provisions of these regulations.”

  
Deputy Clerk of Councils.

COUNCIL CHAMBER,  
13th December, 1952.

*Explanatory Note.*

A request has been received from the United Nations that they may be permitted to follow their normal practice, and publish documents printed in the Colony which bear no printer's name. This amendment is intended to give the Governor power to exempt such publications from these regulations.

(Secretariat 18/4731/52)

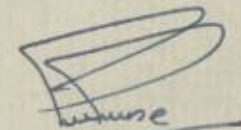
LEGISLATIVE COUNCIL RESOLUTION.

THE HONG KONG AND YAUMATI FERRY COMPANY  
(SERVICES) ORDINANCE, 1951.

Resolution made and passed by the Legislative Council under section 5 of the Hong Kong and Yaumati Ferry Company (Services) Ordinance, 1951, on 17th December, 1952.

Resolved pursuant to section 5 of the Hong Kong and Yaumati Ferry Company (Services) Ordinance, 1951, and with the consent of the Hong Kong & Yaumati Ferry Company Limited, that the Schedule to the said Ordinance shall until a date to be decided upon by the Governor and notified by him in writing to the said company be varied by the addition immediately after paragraph 20 of the following—

“21. The Company shall until a date to be notified to them in writing by the Governor operate daily a temporary ferry service subject to all the terms and conditions of the Ordinance and this Schedule between Jubilee Street Ferry Pier and Tonnochy Road Ferry Pier at ten-minute intervals between the hours of 8 a.m. and 9.30 a.m. and the hours of 4 p.m. and 6 p.m. at the fares and charges specified in Appendix II: Provided that the Company may in their discretion withdraw or restrict such service upon any Sunday or each Sunday with such prior notification to the public as is reasonable.”



Deputy Clerk of Councils.

COUNCIL CHAMBER,  
17th December, 1952.

(Secretariat 8126/45III)

LEGISLATIVE COUNCIL RESOLUTION.

PENSIONS.

Resolution made and passed by the Legislative Council on 17th December, 1952.

WHEREAS annual pensions have been granted under section 17 of the Pensions Ordinance (Chapter 89) in respect of the deaths of the persons mentioned in the first column of the Schedule hereto at the rates mentioned in the second column of the said Schedule :

AND WHEREAS it is considered that each of the said pensions is inadequate and should be increased by an *ex-gratia* addition thereto :

NOW, THEREFORE, BE IT RESOLVED that—

- (1) the pensions mentioned in the second column of the Schedule each be increased by an *ex-gratia* addition of such an amount as will make it payable at the rate of \$780 per annum; and
- (2) the said additions be payable from the respective dates specified in the third column of the Schedule.

SCHEDULE.

First column	Second column	Third column
Name of deceased	Amount of pension	Date from which <i>ex-gratia</i> payment to be payable
Pun Cheuk Ying .....	\$480	29. 5. 51
Cheung Kwan .....	\$480	16. 2. 52
Ma Chi Sang .....	\$525	4. 6. 51
Hung Shui Loi .....	\$495	29. 5. 51
Leung Ping Hon .....	\$480	23. 12. 51

COUNCIL CHAMBER,  
17th December, 1952.  
(Secretariat 9/4366/51)



Deputy Clerk of Councils.

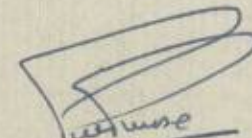
LEGISLATIVE COUNCIL RESOLUTION.

THE LANDLORD AND TENANT ORDINANCE.

(Chapter 255).

Resolution made and passed by the Legislative Council under section 34 of the Landlord and Tenant Ordinance on 17th December, 1952.

Resolved pursuant to section 34 of the Landlord and Tenant Ordinance that the duration of the said Ordinance be extended for the term of one year with effect from the 1st January, 1953.



*Deputy Clerk of Councils.*

COUNCIL CHAMBER,  
17th December, 1952.

(Secretariat 9/741/52IV)

LEGISLATIVE COUNCIL RESOLUTION.

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THE ILLEGAL STRIKES AND LOCK-OUTS  
ORDINANCE.

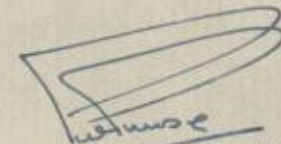
(Chapter 61).

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Resolution made and passed by the Legislative Council under section 8 of the Illegal Strikes and Lock-Outs Ordinance, Chapter 61, on 17th December, 1952.

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Resolved pursuant to section 8 of the Illegal Strikes and Lock-Outs Ordinance, Chapter 61, that the duration of the said Ordinance be extended for the term of one year with effect from the 1st January, 1953.



*Deputy Clerk of Councils.*

COUNCIL CHAMBER,  
17th December, 1952.

(Secretariat 29/3231/49TS)

**ROYAL HONG KONG DEFENCE FORCE  
ORDINANCE, 1951.**

**REGULATIONS BY THE GOVERNOR IN COUNCIL.**

In exercise of the powers conferred by section 18 of the Royal Hong Kong Defence Force Ordinance, 1951, the Governor in Council has made the following regulations—

1. These regulations may be cited as the Royal Hong Kong Defence Force (Pensions) Regulations, 1952. Citation.

**PART I.**

**GRANT OF PENSIONS, ALLOWANCES AND GRATUITIES.**

2. In these regulations, unless the context otherwise requires— Inter-pretation.

“appellant” means a person by or on whose behalf an appeal is brought under Part III of these regulations;

“approved treatment” means a course of medical, surgical or rehabilitative treatment which it is medically certified that a member should receive in consequence of any disablement in respect of which an award under the provisions of these regulations and of the Force Pay and Pensions Code may be or has been made;

“Board” means the Pensions Assessment Board established by regulation 4;

“Force” means the Royal Hong Kong Defence Force;

“Force Pay and Pensions Code” has the meaning given to it in the Ordinance;

“medically certified” means certified by a medical officer of the Force or by the Board, or by a medical officer or board of medical officers appointed by the Board;

“secretary” means the secretary to the Pensions Appeal Tribunal;

“service with the Force” means service with the Royal Hong Kong Defence Force whilst called out, in training or under instruction;

“Tribunal” means the Pensions Appeal Tribunal appointed under regulation 11.

To whom applicable. First Schedule.

3. Subject to the modifications contained in the First Schedule the Force Pay and Pensions Code and the conditions and rates therein shall apply *mutatis mutandis* to all members of the Force and their dependants.

Appointment and powers of Pensions Assessment Board.

4. (1) There is hereby established a Pensions Assessment Board which shall consist of the Accountant General and the Senior Medical Officer.

(2) The Board may—

- (a) award pensions, allowances and gratuities to or in respect of any person who is or was an officer or member of the Force and to the dependants of such a person;
- (b) assess the degree of disablement of any officer or member of the Force and in assessing any degree of disablement the Board shall not be bound by the advice or recommendation of any other person or board.

(3) In the exercise of their powers and duties under these regulations the Board may—

- (a) appoint a medical officer or board of medical officers to advise on any claim made under the provisions of these regulations and of the Force Pay and Pensions Code;
- (b) review any award where it is medically certified that there is a substantial increase in the percentage degree of disablement due to the continuing effects of service with the Force, and vary such award;
- (c) certify to the Accountant General any reasonable travelling and other expenses which have been incurred by any person in appearing before the Board or before any medical officers appointed under paragraph (a), and certify any necessary expenses incurred in connexion with approved treatment;
- (d) re-assess any award.

(4) Where the Board has cause to believe that the disablement in respect of which a claim is made may not be permanent they may award a pension on a temporary basis, and such award shall be subject to review upon a date to be recorded in the proceedings of the Board.

Accountant General to make payments.

5. The Accountant General shall pay all pensions and other awards and allowances awarded by the Board under the provisions of these regulations and of the Force Pay and Pensions

Code, including the payment of any travelling and other expenses which have been certified by the Board under the preceding regulation.

6. (1) The Board shall receive from the Commandant Royal Hong Kong Defence Force or from the naval, military or air authorities claims for pensions, allowances and gratuities in respect of officers or members of the Force who shall have died or suffered disablement as a result of wounds, injury or disease incurred during service with the Force.

Claims in respect of death or disablement while on service with the Force.

(2) Upon receiving such a claim in respect of the death of an officer or member of the Force the Board shall obtain from the officer in charge of Force Records or from the appropriate naval, military or air authorities as the case may be—

- (a) a declaration or certificate of the death of such a member of the Force;
- (b) full particulars of such a member, with the medical and other relevant documents relating to such a member; and
- (c) the name and address of such member's next-of-kin.

(3) All claims received in respect of officers or members of the Force who are invalided, retired or discharged on account of disablement shall contain all relevant documents regarding the service with the Force and medical history of such officers or members, including the proceedings of all medical boards held on such members during their service with the Force.

7. (1) The Board may receive claims for pensions, allowances and gratuities from officers or members of the Force after they have been invalided, retired or discharged, or from the widows and dependants or such officers or members who are deceased.

Claims by or in respect of the members of the Force after discharge.

(2) Upon receiving any claim under the provisions of sub-regulation (1), the Board shall apply to the officer in charge of Force Records or to the appropriate naval, military or air authorities, as the case may be, for a declaration that death or disablement was due to service with the Force and for all relevant documents regarding the service, and medical history of the member in respect of whose disablement or death the claim is made.

(3) In the case of any claim where the officer in charge of Force Records or the appropriate naval, military or air authorities, as the case may be, are unable to furnish a declaration as required by this regulation the Board shall decide whether the disablement or death in respect of which the claim is made was due to service with the Force.

Records to be kept by the Board.

8. The Board shall in the case of awards made to officers or members of the Force or their dependants—

- (a) keep a record of all awards made;
- (b) furnish a copy of every award to the officer in charge of Force Records;
- (c) inform every person to whom an award has been made of the terms of his award, and the procedure to be followed in order to obtain payment thereof.

Right to pensions.

9. Where the Board has made an award under these regulations in respect of the disablement or death of any officer or member of the Force, the person to whom the award has been made shall have the right to receive the sums payable under the award: Provided that this regulation shall not affect any condition to which the award or any payment thereunder is subject, on any power of the Board to vary or revoke the award, or to withhold, reduce or apply any payment thereunder in accordance with the provisions of this Part.

## PART II.

### APPOINTMENT, POWERS AND FUNCTIONS OF APPEAL TRIBUNAL.

Interpretation.

10. References in this Part to the rejection of a claim or the withholding of an award shall be construed as including references to the cancellation of an award made on a claim.

Appointment of a Pensions Appeal Tribunal.

11. (1) The Governor shall appoint a Pensions Appeal Tribunal, for the purpose of hearing appeals under these regulations which shall consist of—

- (a) a judge or a district judge nominated by the Chief Justice who shall be chairman;

- (b) a medical practitioner registered in the Colony for a period of not less than seven years;
- (c) a person nominated by the Commandant of the Royal Hong Kong Defence Force.

(2) The Pensions Appeal Tribunal shall sit upon such dates and at such places, and shall hear such appeals, as the chairman thereof may from time to time appoint.

(3) The Governor may appoint a person to be secretary to the Pensions Appeal Tribunal.

12. (1) Where any claim in respect of the disablement of any officer or member of the Force is made under Part I of these regulations and is rejected by the Board on the ground that the injury (including a wound or disease) on which the claim is based—

Appeals against rejection of claims.

- (a) is not attributable to service with the Force; and
- (b) does not fulfil the following conditions, namely, that it existed before or arose during service with the Force and has been and remains aggravated thereby;

the Board shall notify the claimant of their decision, specifying that it is made on that ground, and thereupon an appeal shall lie to the Tribunal on the issue whether the claim was rightly rejected on that ground.

(2) Where, for the purposes of any such claim as aforesaid, the injury on which the claim is based is accepted by the Board as fulfilling the conditions specified in paragraph (b) of sub-regulation (1) but not as attributable to service with the Force the Board shall notify the claimant of their decision, specifying that the injury is so accepted, and thereupon an appeal shall lie to the Tribunal on the issue whether or not the injury was attributable to such service.

(3) Where any claim, in respect of the death of any officer or member of the Force, is made under Part I of these regulations, and is rejected by the Board on the ground that neither of the following conditions is fulfilled, namely—

- (a) that the death of that person was due to or hastened by an injury which was attributable to service with the Force;

- (b) that the death was due to or hastened by the aggravation by service with the Force which existed before or arose during service with the Force;

the Board shall notify the claimant of their decision, specifying that it is made on that ground, and thereupon an appeal shall lie to the Tribunal on the issue whether or not the claim was rightly rejected on that ground.

(4) Where, in connexion with the determination, for the purposes of any such claim as is referred to in the foregoing provisions of this regulation, of—

- (a) the date by reference to which the rank of the disabled or deceased officer or member is to be determined, or
- (b) in the case of a claim by or in respect of a widow, widower, wife, husband or child, the date before which any marriage or any birth, legitimation or adoption of a child must have taken place,

it is contended that, as the result of a particular period of service with the Force, the disabled or deceased member suffered aggravation of the injury on which the claim is based, being aggravation which in the case of death persisted until death, the Board shall, if they reject the said contention, notify the claimant of their decision, and thereupon an appeal shall lie to the Tribunal on the issue of whether or not, as a result of such service during that period, the disabled or deceased member suffered such aggravation.

13. (1) Where, in the case of any such claim as is referred to in regulation 12 in respect of the disablement or death of any officer or member, the Board withhold or reduce the award on the ground that the injury on which the claim is based was caused or contributed to by the serious negligence or misconduct of the said person or, as the case may be, that his death was so caused or contributed to, the Board shall notify the claimant of their decision, specifying that it is made on that ground, and thereupon an appeal shall lie to the Tribunal on the issue whether or not the injury or, as the case may be, the death was so caused or contributed to.

Appeals in cases where award is withheld or reduced on ground of serious negligence or misconduct.

(2) Where an appeal is brought under this Part on any of the issues specified in regulation 12, and the Board notifies the appellant before the hearing of the appeal that, if the appeal is allowed, they intend to withhold or reduce the award on the ground specified in sub-regulation (1), the Tribunal shall, if they allow the appeal, determine the issue specified in that sub-regulation, and, unless the Board notifies the appellant as aforesaid, they shall not be entitled, if the appeal is allowed, to withhold or reduce the award on the said ground.

14. (1) Where, in the case of any such claim as is referred to in regulation 12 in respect of the disablement of any officer or member of the Force, the Board make an *interim* assessment of the degree of the disablement, the Board shall notify the claimant thereof and if, at the expiration of two years from the time when they first notified the claimant of such an *interim* assessment, the Board have not made such a final decision or assessment as is referred to in sub-regulation (2), an appeal shall lie to the Tribunal from the *interim* assessment, in force at the end of the said period of two years and from any subsequent *interim* assessment, and the Tribunal on any such appeal may uphold the Board's assessment or may assess the disablement at such higher or lower degree as they think proper.

Appeals against assessment of extent of disablement.

In this sub-regulation the expression "*interim* assessment" means any assessment other than such final assessment as is referred to in sub-regulation (2).

(2) Where, in the case of any such claim as is referred to in regulation 12 in respect of any officer or member of the Force, it appears to the Board that the circumstances of the case permit a final settlement of the question to what extent, if any, the said officer or member of the Force is disabled, and accordingly—

- (a) they decide that there is no disablement or that the disablement has come to any end; or
- (b) they make a final assessment of the degree or nature of the disablement, they shall notify the claimant of their decision or assessment, stating that it is a final one, and thereupon an appeal shall lie to the Tribunal on the following issues, namely—

- (i) whether or not the circumstances of the case permit a final settlement of the question aforesaid;

(ii) whether or not the Board's decision referred to in paragraph (a) or, as the case may be, the final assessment of the degree or nature of the disablement was right,

and the Tribunal on any such appeal may set aside the said decision or assessment on the ground that the circumstances of the case do not permit of such a final settlement, or may uphold that decision or assessment, or may make such final assessment of the degree or nature of the disablement as they think proper, which may be either higher or lower than the Board's assessment if any.

Tribunal to be bound by Part I hereof.

15. In determining an appeal under this Part in respect of any claim or award, the Tribunal shall be bound by the provisions, relating to the issue before the Tribunal, of Part I of these regulations.

Time limits for appeals.

16. (1) No appeal shall be brought under the provisions of this Part, except under sub-regulation (1) of regulation 14, unless notice of appeal in the manner prescribed in Part III of these regulations is given within twelve months from the date on which the decision or assessment is notified to the claimant: Provided that the Tribunal may allow an appeal to be brought after the expiration of the period limited by this sub-regulation if they consider that there was a reasonable excuse for the delay.

(2) No appeal shall be brought under sub-regulation (1) of regulation 14 unless notice of that appeal is given, in the manner prescribed in Part III of these regulations, not later than three months after—

- (a) the date on which the period of two years referred to in the said sub-regulation expires; or
- (b) the date of the coming into force of these regulations; or
- (c) the date on which the said assessment is notified;

whichever is the latest of those dates: Provided that the Tribunal may allow the appeal to be brought after the expiration of the period limited by this sub-regulation if they consider there was a reasonable excuse for the delay.

Notices.

17. Any notice given by the Board under this Part shall be in writing and may be sent by registered post to the last known or usual place of abode of the claimant or any person authorized to act on his behalf in relation to the claim and, in the case of a notice of a decision from which an appeal lies

to the Tribunal, shall specify that fact and the time within which and the manner in which notice of such an appeal must be given.

18. No court fees shall be charged on the hearing of any appeal before the Tribunal.

No court fees to be charged.

### PART III.

#### APPEAL PROCEDURE.

19. (1) An appeal shall be brought by the person in respect of whose claim the Board have given the decision against which the appeal lies: Provided that, where that person is under the age of eighteen or is prevented by mental or physical infirmity from acting on his own behalf, the appeal shall be brought by some other person acting for him.

Persons by whom appeals may be brought.

(2) Where an appeal is brought by a person acting on behalf of another, that person may take all such steps and do all such things for the purposes of the appeal as an appellant is by this Part required or authorized to take or do.

20. An appeal to the Tribunal shall be commenced by the appellant notifying the Board in writing of his intention to appeal.

Method of appealing.

21. (1) Subject to the provisions of regulations 22 and 25, the Board shall, upon receiving written notification from an appellant of his intention to appeal, prepare a document (to be called a "Statement of the Case") setting forth—

Statement of the case and answer.

- (a) the relevant facts relating to the appellant's case as known to the Board, including the medical history of the appellant; and
- (b) in the case of an appeal under sub-regulation (1), (2) or (3) of regulation 12, the Board's reasons for making the decision against which the appeal is brought.

(2) When the Statement of the Case has been prepared, the Board shall send two copies to the appellant and shall inform him that he may, if he so desires, submit (on a form to be supplied by the Board) an answer to the Statement indicating—

- (a) whether, and in what respect, the facts in the Statement of the Case are disputed;
- (b) any further facts which, in his opinion, are relevant to the appeal; and

(c) his reason for thinking that the decision of the Board was wrong.

(3) Where the appellant submits an answer disputing any of the facts in the Statement of the Case or putting forward further facts, he shall attach to his answer such documentary evidence in support of his case as is in his possession or as he can reasonably obtain.

(4) Except where the appellant is resident outside the Colony, he shall send his answer, and any documents submitted therewith, to the Board within twenty-eight days from the date on which the Statement of the Case was sent to him.

(5) The Board may, if they so desire, comment in writing on the appellant's answer and shall, if they do so, send a copy of such comments to the appellant.

(6) As soon as may be after the receipt of the answer or, if the appellant does not send an answer, on the expiration of the said twenty-eight days (or, where the appellant is resident outside the Colony, at the expiration of such time as may be allowed by the Tribunal), the Board shall, subject to the provisions of regulation 24, send to the secretary—

- (a) three copies of the Statement of the Case;
- (b) three copies of the appellant's answer (if any);
- (c) any documents submitted by the appellant; and
- (d) three copies of any comments made by the Board on the appellant's answer.

Disclosure of official documents and information.

22. (1) Where for the purposes of his appeal an appellant desires to have disclosed any document, or part of any document, which he has reason to believe is in the possession of a Government department, he may, at any time not later than six weeks after the Statement of the Case was sent to him, apply to the chairman of the Tribunal for the disclosure of the document or part, and, if the chairman considers that the document or part is likely to be relevant to any issue to be determined on the appeal, he may give a direction to the department concerned requiring its disclosure (if in the possession of the department) in such manner and upon such terms and conditions as the chairman may think fit: Provided that directions given under this regulation shall not require the disclosure of—

- (a) documents in the nature of departmental minutes or reports; or

(b) the name of any person in the service of Her Majesty who has given a report or medical certificate relating to the appellant or to the person in respect of whose death the appeal is brought.

For the purposes of this sub-regulation a certificate given by the head of the Government department concerned that a document or name is such a document or name as is described in paragraph (a) or (b) of this proviso shall be final and conclusive.

(2) On receipt of a direction given by the chairman of a Tribunal under this regulation the Colonial Secretary, or any person authorized by him in that behalf, may certify to the chairman—

- (a) that it would be contrary to the public interest for the whole or part of the document to which the direction relates to be disclosed publicly; or
- (b) that the whole or part of the document ought not, for reasons of security, to be disclosed in any manner whatsoever;

and, where a certificate is given under paragraph (a), the chairman shall give such directions to the Tribunal as may be requisite for prohibiting and restricting the disclosure in public of the document, or the part thereof, as the case may be; and, where a certificate is given under paragraph (b), the chairman shall direct the Tribunal to consider whether the appellant's case will be prejudiced if the appeal proceeds without such disclosure, and, where the Tribunal are of opinion that the appellant would be prejudiced if the appeal were to proceed without such disclosure, they shall adjourn the hearing of the appeal until such time as the necessity for non-disclosure on the ground of security no longer exists.

(3) At the hearing the appellant may apply to the Tribunal for the disclosure of such a document as is mentioned in this regulation, and, where it appears to the Tribunal that the document is likely to be relevant to any issue to be determined on the appeal, and that the appellant has reasonable excuse for having failed to make an application for the disclosure to the chairman before the hearing under sub-regulation (1), the Tribunal may, unless the document is produced by the Board's representative, adjourn the case for an application to the chairman to be made by the appellant.

(4) It shall be a sufficient compliance with a direction given for the disclosure of a document, or part of a document, under this regulation, if there is produced a photostatic copy of the document, or the part thereof, or a written or a typed copy, certified as a true copy by an officer of the department concerned authorized in that behalf by the head of the department.

Date for hearing.

Second Schedule.

**23.** (1) Not less than twenty-eight days before the date fixed for the hearing, a notice of hearing in the form set out in the Second Schedule, or in a form to the like effect, shall be sent by the secretary by registered post to the appellant, and the Board shall be informed of the date so fixed.

(2) If, at any time before the date fixed for the hearing, the appellant becomes aware of any circumstances which will prevent him from attending the Tribunal on the date so fixed, he shall (unless the appeal is to be heard in his absence under regulation 34) immediately notify the secretary of his inability to appear, stating the reasons therefor.

Withdrawal of appeal.

**24.** (1) An appellant may, at any time before the hearing, give notice to the secretary that he desires to withdraw his appeal, and thereupon the appeal shall be struck out.

(2) Where, after a notice of appeal has been given, the Board decide the issue arising on the appeal in favour of the appellant, the Board shall give notice of their decision to the secretary and to the appellant, and the appeal shall be struck out.

Appeal not prosecuted may be adjourned or struck out.

**25.** Subject to the provisions of regulations 34 and 36, if the appellant fails to appear at any hearing of the appeal, and such appellant has not sent to the secretary a request that his appeal should be heard in his absence, or representations have not been made on behalf of the appellant that he desires his appeal to be heard in his absence, the chairman of the Tribunal may adjourn the hearing of the appeal to a subsequent date, or, in his discretion, may order that the appeal be struck out: Provided that, in the latter case, the chairman may, on the application of the appellant made not later than three months after the date on which the appeal was struck out, if he is satisfied that the appellant's failure to appear was not due to his wilful default, restore the appeal and fix a date for the hearing thereof.

Representation of the appellant and the board.

**26.** (1) An appellant may conduct his case himself or may be represented by any person (whether holding any legal or other qualification or being a member of the British Legion or other body or not) whom he may appoint to assist him for the purpose.

(2) The Board may be represented by any person whom they may appoint for the purpose.

(3) It shall be the duty of the Tribunal to assist any appellant who appears to them to be unable to make the best of his case.

**27.** (1) The appellant may give evidence in support of his appeal and the appellant and the Board may, subject to the provisions of sub-regulation (2), call a medical practitioner or any other witness, and may produce at the hearing any further documentary evidence not already in the possession of the Tribunal. Evidence.

(2) Where the appellant or the Board intends to call a medical practitioner as a witness at the hearing, they shall, unless they have already notified the secretary of their intention to call the witness, send notice of their intention to the secretary not less than seven days before the date fixed for the hearing, and the secretary shall notify the Board or, as the case may be, the appellant, who shall then be entitled to call a medical practitioner at the hearing without giving notice.

(3) The Tribunal may require the appellant to furnish such evidence of his identity as they may think fit, and, where the appeal is brought by a person acting on behalf of the appellant, the Tribunal may require him to satisfy them as to his qualifications for so acting.

(4) The Tribunal may summon before them expert or other witnesses.

(5) The Tribunal shall not refuse evidence tendered to them on the ground only that such evidence would be inadmissible in a court of law.

(6) Subject to any direction given by the chairman of the Tribunal under regulation 22 or 30 and to the provisions of regulation 36, every document tendered in evidence or considered by the Tribunal for the purposes of the appeal shall be made available to the appellant or his representative (if any) and to the Board or their representative in such manner as the Tribunal may direct.

**28.** (1) At the hearing the Tribunal shall give an opportunity to the appellant or his representative to address the Tribunal and call witnesses and, if the appellant is not represented, the examination of the appellant's witnesses may, if the appellant so desires, be conducted by the chairman of the Procedure at hearing.

Tribunal on behalf of the appellant. The representative of the Board may put questions to any witness called by or on behalf of the appellant.

(2) The Tribunal shall give the representative of the Board an opportunity to address the Tribunal and call witnesses. The appellant or his representative may put questions to any witness called by or on behalf of the Board.

Further  
considera-  
tion.

**29.** (1) Where during the hearing of an appeal it appears to the Tribunal that it is necessary to obtain further information on any point, or that the appellant or the Board should be allowed or required to procure or produce further evidence, the appeal shall be adjourned for such further information to be obtained in such manner as the Tribunal may direct or for the appellant or the Board to procure or produce such further evidence.

(2) Where the Tribunal adjourns the hearing for further information to be obtained, the information, if and when obtained, shall subject to any direction given by the chairman of the Tribunal under regulation 22, be communicated to the appellant and to the Board, together with a statement that the appellant or the Board may comment thereon in writing if they so desire, or may address the Tribunal thereon at a further hearing of the case.

(3) Where the hearing is adjourned for the appellant or the Board to procure or produce further written evidence, the evidence shall, subject to any direction given by the chairman of the Tribunal under regulation 22, be communicated to the secretary, together with a statement indicating whether or not the appellant or the Board wish to address the Tribunal on the evidence at a further hearing of the case, and a copy of the evidence shall be sent by the secretary to the Board or, as the case may be, to the appellant, together with a statement that the Board or, as the case may be, the appellant, may comment thereon in writing if they so desire, or may address the Tribunal thereon at a further hearing of the case.

(4) Where the appellant or the Board inform the secretary of their desire to address the Tribunal on the further information, or on further written evidence, a notice of hearing shall be sent to the appellant and to the Board not less than ten days before the date fixed for the case to be further heard.

(5) Where neither the appellant nor the Board wish to address the Tribunal on the further information or further written evidence, the Tribunal may give their decision without a further hearing of the case after taking into consideration any comments in writing made by the appellant or by the Board on the further information or evidence.

(6) Where the hearing is adjourned for the appellant or the Board to procure or produce further oral evidence, a notice of hearing shall be sent to the appellant and to the Board not less than ten days before the date fixed for the case to be further heard if a date for the further hearing was not fixed at the adjournment or the date then fixed has to be altered.

**30.** (1) Where in the case of any appeal the Tribunal are of opinion that a difficult medical or other technical question arises, the Tribunal may, before giving their decision, take the opinion of a medical specialist or other technical expert in such manner as may appear to them to be convenient.

Power of  
tribunal to  
take expert  
advice.

(2) Where the question is a medical question, the Tribunal may arrange for the appellant to be examined by a medical specialist for a report on his condition.

(3) The Tribunal shall direct the specialist or other technical expert to send his opinion or report to the secretary, and copies thereof and of the terms of reference to the specialist or technical expert shall be sent by the secretary to the appellant and to the Board together with a statement that the appellant or the Board may comment thereon in writing, if they so desire, or may address the Tribunal thereon at a further hearing of the case: Provided that, where it appears to the chairman of the Tribunal that it would not be in the best interests of the appellant for the opinion or report of a medical specialist to be communicated to him, the chairman of the Tribunal may direct that, instead of being sent to the appellant, the opinion or report shall be sent to the appellant's medical adviser (if known to the Tribunal) and, if the appellant was represented at the hearing, to his representative.

(4) Where the secretary is notified by, or on behalf of, the appellant or of the Board that a further hearing is desired on the opinion or report, a notice of hearing shall be sent to the appellant and to the Board not less than ten days before the date fixed for the case to be further heard.

(5) Where neither the appellant nor the Board desire to address the Tribunal further, the Tribunal may give their decision without a further hearing of the case, after taking into consideration any comments in writing made by the appellant or by the Board on the opinion or report.

Medical examination of appellant.

**31.** In a case where the appellant is present in person at the hearing and is the person in respect of whose disablement the appeal is brought, the medical member of the Tribunal may, with the assent of the appellant, make a medical examination of the appellant.

Announcement of decision of the tribunal.

**32.** The decision of the Tribunal may, at the discretion of the Tribunal, be announced by the chairman of the Tribunal immediately after the hearing of the case, or may be communicated in writing to the appellant and the Board within seven days after the Tribunal have reached their decision, and in either case the chairman of the Tribunal shall indicate shortly the Tribunal's reasons for giving their decision.

Recording and proof of decisions.

**33.** (1) The secretary shall enter, in a book to be kept by him for the purpose, a minute of every decision of the Tribunal.

(2) The chairman of the Tribunal shall sign a document (to be called a "Form of Decision") recording the decision on the appeal and it shall be the duty of the secretary to prepare copies of the Form of Decision and to certify them under his hand, and a copy so certified shall be sent to the appellant and to the Board.

(3) A copy of a Form of Decision purporting to have been certified as aforesaid shall be conclusive evidence of the decision of the Tribunal on the appeal to which that Form of Decision relates.

Appeal in absence of appellant.

**34.** Subject to any arrangements made by the chairman of the Tribunal under regulation 35, and to the provisions of regulation 37, an appeal shall not be heard in the absence of the appellant unless he has sent to the secretary a request that his appeal should be heard in his absence, or the Tribunal are satisfied, on representation made on behalf of the appellant, that he desires

his appeal to be heard in his absence: Provided that, notwithstanding that such a request has been made, the Tribunal may, if they think that the presence of the appellant is necessary for the due determination of the appeal, give directions that the appeal shall not be heard in his absence.

**35.** Where the chairman of the Tribunal is satisfied that any appellant is unable, through physical or mental infirmity, to attend the Tribunal and that his incapacity is likely to continue for a prolonged period, the chairman may make such arrangements as may appear to him best suited, in all the circumstances of the case, for disposing fairly of the appeal, and in particular may arrange—

Provision for appellant unable to attend Tribunal through physical or mental infirmity.

- (a) for the appellant to be visited at some convenient place by one or more members of the Tribunal, or by other persons appointed in that behalf by the chairman, for the purpose of recording the appellant's evidence and any statement which he may wish to make, and for the appellant to be medically examined, so however that in an appeal under regulation 19 the visit shall be made by the medical member of the Tribunal or by another duly qualified medical practitioner appointed by the chairman;
- (b) for taking, whether before the Tribunal or otherwise, the evidence of medical or other witnesses on behalf of the appellant and the Board, and in particular the evidence of the near relatives, guardian or other representative of the appellant;
- (c) for enabling the appellant's representative and the Board to comment, whether at a hearing of the Tribunal or in writing, on the evidence so taken and to make a statement in writing or to address the Tribunal;
- (d) for the determination of the appeal in the absence of the appellant: Provided that any arrangement made under paragraph (a) or (b) shall make provision for enabling the representative of the Board, if he so desires, to be present while the evidence of the appellant and other witnesses is taken and to ask questions of the appellant and other witnesses.

**36.** (1) This regulation shall apply to any case where the medical history of the appellant or of the person in respect of whose death an appeal is brought comprises material which, in the opinion of the Board, it would be undesirable in the interests of the appellant to disclose to him.

Medical evidence injurious to the appellant.

(2) Where in any case to which this regulation applies it comes to the knowledge of the Board, before the Statement of the Case is sent to the appellant under regulation 21, that the appellant is to be represented at the hearing of the appeal, the representative shall, for the purposes of the provisions of that regulation relating to the transmission of the Statement of the Case, the submission of an answer and the transmission of any comments thereon, be treated as the appellant.

(3) If in any case to which this regulation applies it appears to the Board that the appellant does not intend to be represented at the hearing of the appeal, the Board shall omit from the copies of the Statement of the Case sent by it to the appellant under regulation 21 those portions which in the opinion of the Board it would be undesirable in the interests of the appellant to disclose to him, so, however, that the copies of the Statement of the Case sent by the Board to the secretary under sub-regulation (6) of regulation 21 shall contain the omitted portions and shall be accompanied by a notice stating the fact of the omission and the reasons therefor.

(4) On the receipt of copies of a Statement of the Case and a notice under the last foregoing sub-regulation the chairman of the Tribunal shall use his best endeavours to assist the appellant to obtain a suitable person or organization to represent him at the hearing of the appeal, and where such representative is obtained the Board shall, on being notified to that effect, send to the representative two copies of the omitted portions of the Statement of the Case, together with a statement that the omissions were made pursuant to this regulation.

(5) In any case to which this regulation applies, the chairman shall indicate to the Tribunal, before the hearing of the appeal, which portions of the Statement of the Case have not been disclosed to the appellant, and the Tribunal shall decide whether, in the interests of the appellant, those portions should or should not be disclosed to him, and accordingly the Tribunal may order that all or any of those portions shall be communicated to the appellant forthwith, or may hear the appeal without all or any of those portions being so communicated, so, however, that the Tribunal shall take the omitted portions into consideration before deciding the appeal.

Appellant  
resident  
outside the  
Colony.

**37.** (1) Where an appellant is resident outside the Colony his appeal shall, subject to the provisions of this regulation, be heard in his absence.

(2) As soon as the appellant's case is ready for hearing, he shall be notified of that fact by the secretary, and the appellant may, within such time as may be specified in the notification, give notice to the secretary stating that he intends to visit the Colony in the near future and requesting that his appeal should not be heard before a specified date, and the chairman of the Tribunal, if satisfied that it would be reasonable for the hearing to be postponed, may direct that it shall not be heard before that date and may give further directions for the hearing of the appeal as he shall think fit.

(3) The chairman of the Tribunal may, and, in the case of an appeal under sub-regulation (1), (2) or (3) of regulation 12, shall, make arrangements for the appellant to be medically examined at some convenient place in the country in which he is resident, and, where such an arrangement is made, the appeal shall not be proceeded with until a medical report on the examination has been received by the secretary and a copy thereof has been sent to the representative (if any) of the appellant and to the Board.

**38.** (1) Where the secretary is notified that an appellant has died before the appeal is decided— Death of  
appellant.

- (a) in the case of an appeal under regulation 12 or 13, the chairman may, on application made to him within twelve months from the date of death, give directions that the appeal shall proceed, so far as may be, as if the dependant or personal representative, as the case may be, had brought the appeal on behalf of the appellant in the first instance and the appellant had not died, and that it shall be heard with any other appeal brought by a dependant in respect of the appellant's death;
- (b) in the case of an appeal under regulation 14, the appeal shall be struck out.

**39.** (1) There may be allowed— Expenses  
of  
appellant.

- (a) to an appellant who attends the hearing;
- (b) to a relative, guardian or other representative attending the hearing on behalf of an appellant by virtue of arrangements made by the chairman of the Tribunal under regulation 35;
- (c) to a person who accompanies an appellant at the hearing where the chairman of the Tribunal certifies that it is necessary for the appellant, by reason of his health, to be accompanied by an attendant; and

(d) to an appellant who is examined by a medical specialist pursuant to arrangements made by the Tribunal under sub-regulation (2) of regulation 30,

the travelling expenses in respect of travel within the Colony actually and reasonably incurred by him for the purpose of attending the Tribunal or of undergoing the medical examination, as the case may be.

(2) Where the appeal is successful, and where the appeal was not successful but the chairman of the Tribunal certifies that there were reasonable grounds for the appeal, there may be allowed to the appellant or to any such person as is referred to in paragraph (b) or (c) of sub-regulation (1), in addition to the allowances mentioned in sub-regulation (1), such sum as compensation for loss of time as the chairman of the Tribunal thinks reasonable, not exceeding the sum of twenty dollars per day.

(3) Where an appellant brings a medical witness to the hearing or, for the purposes of the appeal, has obtained from a medical adviser, or from a hospital, nursing home or other institution in which he has received treatment, a report, certificate or other document and the chairman of the Tribunal certifies that the attendance of the medical witness, or the production of the report, certificate or other document, was reasonably necessary for the purposes of the appeal, the appellant may be allowed such sum in respect of the expenses incurred by him in securing such attendance or in obtaining such report, certificate or document as the chairman of the Tribunal thinks reasonable, not exceeding one hundred dollars.

Other expenses of the tribunal.

40. (1) Where under regulation 30 the Tribunal take the opinion of a medical specialist or other technical expert, or send the appellant to be examined by a medical specialist, the Tribunal may direct the payment to the specialist or expert of such fee not exceeding one hundred dollars as may appear to them reasonable.

(2) Where the Tribunal summon an expert or other witness or obtain from a medical practitioner, hospital or other institution documentary information relating to an appeal, the Tribunal may direct the payment to such witness of such fee not exceeding fifty dollars as appears to them reasonable or to the medical practitioner, hospital or institution such sums, not exceeding five dollars in respect of each document or set of documents, as may appear to them reasonable.

41. An application for any expenses payable to an appellant or other person under regulation 39 or 40 shall be made in writing to the secretary. Claims for expenses.

42. The time appointed by this Part for doing any act or taking any step in connexion with an appeal may be extended by the Tribunal upon such terms (if any) as the justice of the case may require, and such extension may be ordered although the application therefor is not made until after the expiration of the time appointed. Extension of time.

43. (1) Any notice, document or other communication required or authorized by this Part to be given or sent to the secretary shall be delivered to, or sent by registered post to, the Secretary to the Pensions Appeals Tribunal, Colonial Secretariat, Hong Kong. Notices.

(2) Any notice, request, direction, document, or other communication required or authorized by this Part to be given or sent to an appellant may be given or sent by sending it by registered post to the address given by the appellant in his notice of appeal or, where notice of appeal is given on behalf of an appellant, to the address of the person acting on his behalf, or to such other address as may be subsequently notified in writing to the secretary by the appellant or by the person acting on his behalf.

(3) Where under this Part any notice, certificate, request, direction, application or communication is to be given or made, it shall be given or made in writing.

44. (1) Subject to the provisions of this regulation, the sittings of the Tribunal shall be held in public. Sittings of the tribunal.

(2) A sitting of the Tribunal shall be held in private to such extent as may be necessary to enable the Tribunal to comply with a direction given by the chairman under regulation 22.

(3) Where a request is made to the Tribunal by or on behalf of the appellant that the appeal, or some part of it, should be heard in private, the Tribunal may, if they think that the presentation of the appellant's case will be prejudiced by a public sitting, sit in private to such an extent as they think just.

45. The Tribunal may, if they think fit, take the evidence of the appellant or any other witness on oath and for that purpose the chairman of the Tribunal may administer an oath. Evidence on oath.

Irregularities.

46. Non-compliance with any of the provisions of this Part shall not render the proceedings on the appeal void unless the Tribunal shall so direct, but the Tribunal may give such directions for the purpose of mitigating the consequences of the irregularity as the justice of the case may require.

PART IV.

SAVINGS.

Rights of civil servants. (25 of 1951).

47. Nothing in these regulations shall affect the provisions of sub-section (7) of section 18 of the Ordinance.

Commutation.

48. No award of pension or allowance made under the provisions of the Force Pay and Pensions Code or of these regulations shall be commuted.

FIRST SCHEDULE. [Regulation 3]

(a) The word "Minister" shall be deleted wherever it occurs and the word "Board" shall be substituted therefor.

(Chapter 89).

(b) The words "wife" "widow" and "child" shall have the meanings assigned to them in subsection (3) of section 17 of the Pensions Ordinance.

SECOND SCHEDULE. [Regulation 23 (1)]

FORM OF NOTICE OF HEARING

(This Notice to be produced at the hearing)

PENSIONS APPEALS TRIBUNAL

Hong Kong.

....., 19 ..

To .....  
.....  
.....

NOTICE OF HEARING

Dear Sir/Madam,

1. Your appeal will be considered by the Tribunal appointed by the Governor under Government notification ..... of ..... at ..... on ..... the ..... of ..... and you are required to attend at ..... o'clock.

2. If for any reason you are unable to attend on the date stated, you must immediately inform me in writing at the address mentioned at the head of this letter, stating the reasons for your inability to appear.

Yours faithfully,

Secretary to the Pensions Appeals Tribunal.



Clerk of Councils.

COLONIAL SECRETARIAT,  
23rd December, 1952.

(Secretariat D/DF/PEN)

DEPORTATION OF ALIENS' ORDINANCE.  
(Chapter 240).

REGULATIONS MADE BY THE GOVERNOR IN COUNCIL  
under section 8.

In exercise of the powers conferred by subsection (15) of section 8 of the Deportation of Aliens Ordinance, the Governor in Council has made the following regulations—

1. These regulations may be cited as the Deportation of Citation. Aliens (Amendment) (No. 2) Regulations, 1952.

2. The Second Schedule to the Deportation of Aliens Ordinance is amended by the addition after item 13 thereof of the following—

“(13 of 1952). 14. The Passport Ordinance, 1952—  
sections 3 and 4.”

Amendment  
of the  
Second  
Schedule  
to Chapter  
240.



*Clerk of Councils.*

COUNCIL CHAMBER,  
30th December, 1952.

*Explanatory Note.*

The intention of the amendment is to provide that the offences of forgery of a passport, the making of untrue statements for the purpose of procuring a passport, and of being the holder of a passport which is false in a material particular, shall be added to the list of those offences which in the event of conviction attract deportation under the powers given by section 8 of the Deportation of Aliens Ordinance.

(Secretariat 5/3231/528)

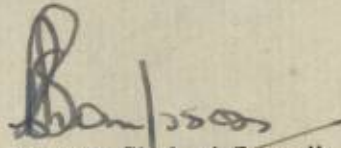
GIFT TO HER MAJESTY'S GOVERNMENT AS A CONTRIBUTION TO  
THE COST OF REINFORCING THE GARRISON

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Resolution made and passed by the Legislative Council on 31st  
December, 1952.

RESOLVED that,

in view of the heavy expenditure being incurred by Her Majesty's Govern-  
ment in the United Kingdom on the defence of the free world and on  
the reinforcement of the garrison of this Colony, this Council do approve  
the gift to Her Majesty's Government from the general revenues of the  
sum of eight million dollars, over and above the sum of sixteen million  
dollars already approved in the Estimates for the current financial year  
as a contribution to the cost of reinforcing the said garrison.

  
*Deputy Clerk of Councils.*

COUNCIL CHAMBER,  
31st December, 1952.



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H.K.R.S. No. **31**

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