

**CASE NO.**

**VOL. NO.**

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DAVID HUNTER  
Workers' Compensation Claimant  
(Claim No. 1460308)

THE WORKERS' COMPENSATION  
APPEALS TRIBUNAL and THE  
WORKERS' COMPENSATION BOARD  
OF NOVA SCOTIA

- and -

(Appellant)

(Respondents)

C.A. 146468

Halifax, N.S.

CROMWELL, J.A.

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Cite as: Hunter v. Nova Scotia (Workers' Compensation Appeals Tribunal),  
1999 NSCA 87

**APPEAL HEARD:**

March 18, 1999

**JUDGMENT DELIVERED:**

June 10, 1999

**SUBJECT:**

**Workers' Compensation - Chronic Pain - Functional Restoration (Multi-Faceted Pain Services) Program Regulations - 1999 Amendments to Workers' Compensation Act**

**SUMMARY:**

The appellant claimed benefits for chronic pain which he said flowed from a workplace injury in February of 1991. WCAT found that his claim was governed by the Functional Restoration (Multi-Faceted Pain Services) Program Regulations and that he was therefore not entitled to benefits because under s. 6 of those Regulations, benefits are denied where more than 12 months have elapsed since the injury. Leave to appeal to the Court of Appeal from WCAT's decision was granted on the issue of whether the FRP Regulations were inconsistent with the **Act** and related questions. After the appeal had been argued and judgment reserved, the **Act** was amended. Section 10E of the amended **Act** provided that certain appeals were "null and void regardless of the issue or issues on appeal".

**ISSUE:**

Was the appellant's appeal null and void by virtue of the amended **Act**?

**RESULT:**

Appeal dismissed. Counsel for Mr. Hunter and for the Board agreed that the case fell under s. 10E of the amended **Act**. The section provides that the appeal is null and void and accordingly

there is no basis upon which the Court may make any order other than one dismissing the appeal.

**This information sheet does not form part of the court's decision. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 4 pages.**