

- (i) a salary of sixty-seven thousand dollars per annum;
- (ii) a responsibility allowance of six thousand dollars per annum; and
- (iii) a scarcity allowance of fifteen thousand dollars per annum.

S.I. 31/1997.

**INDUSTRIAL RELATIONS (TRIBUNAL
PROCEDURE) RULES, 1997**

(SECTION 66)

[Commencement 5th March, 1997]

Citation.

1. These Rules may be cited as the Industrial Relations (Tribunal Procedure) Rules, 1997.

Interpretation.

2. In these Rules —

“applicant” means a person by whom, or on behalf of whom, a trade dispute within an essential service or a non-essential service has been reported under section 71 of the Act;

“Chairman” means the person presiding at a hearing;

“Full Tribunal” has the meaning assigned to that expression by section 54(1) of the Act;

“hearing” means a sitting of a tribunal duly constituted for the purpose of receiving evidence, hearing addresses and witnesses or doing anything lawfully requisite to enable the tribunal to reach a decision on any question;

“party” means the applicant or the respondent;

“President” means the member appointed, under section 54(3)(a) of the Act, as President of the Industrial Tribunal;

“Register” means the Register kept by the Secretary pursuant to rule 11 (3);

“respondent” means a person against whom relief is sought by or on behalf of an applicant;

“Secretary” means the person appointed, under paragraph 19 of the Fourth Schedule to the Act, as the Secretary of the Tribunal;

“sexual offence” means any offence under sections 6 to 14 or section 16 of the Sexual Offences and Domestic Violence Act, 1991;

“tribunal” means the Industrial Tribunal and includes a Full Tribunal;

“Vice-President” means a member appointed, under section 54(3)(b) of the Act, as Vice-President of the Industrial Tribunal.

Ch. 99.

Originating
application.Form A.
Schedule.

3. (1) Where the Minister has referred a dispute to the Industrial Tribunal pursuant to section 76 of the Act, the applicant shall, within fourteen days of receiving notice of the referral, present to the Secretary an originating application in Form A in the Schedule, which shall be signed by the applicant.

(2) The originating application shall contain —

- (a) the name and address of the applicant;
- (b) the name and address of the respondent;
- (c) the relief sought; and
- (d) the grounds; with particulars thereof, on which the relief is sought.

(3) Where the President is of the opinion that any of the matters specified under paragraph (2) are not sufficiently particularised in the originating application,

he may give notice in Form B in the Schedule to that effect to the applicant, stating the reasons for his opinion and requiring the applicant within fourteen days of receipt of the notice, to furnish in writing to the Secretary sufficient particulars in support of the originating application.

Form B
Schedule

(4) If the requirement under paragraph (3) is not complied with, a tribunal may strike out the whole or part of the originating application; but, a tribunal shall not so strike out unless it has sent notice to the applicant giving him an opportunity to show cause why the tribunal should not do so.

4. Upon receiving an originating application, the Secretary shall send to the respondent —

Action upon
receipt of
originating
application.

- (a) a copy of the application;
- (b) a copy of any additional particulars required to be furnished by the applicant; and
- (c) a notice in Form C in the Schedule which includes information, as appropriate to the case, about the means and time for entering an appearance and defence, the consequences of failure to do so, and the right to receive a copy of the decision.

Form C
Schedule.

5. (1) A respondent shall, within seven days of receiving the copy of the originating application, enter an appearance to the proceedings by presenting to the Secretary a written notice of appearance in Form D in the Schedule —

Appearance by
respondent.

Form D.
Schedule.

- (a) setting out his full name and address; and
- (b) stating whether or not he intends to resist the application.

(2) Upon receipt of a notice of appearance the Secretary shall send a copy of it to the applicant.

(3) A respondent who has not entered an appearance shall not be entitled to take any part in the proceedings except —

- (a) to apply under rule 14 for an extension of the time appointed by this rule for entering an appearance;
- (b) to make an application under rule 7(1)(a); or
- (c) to be called as a witness.

Defence.

6. A respondent who intends to resist the application, shall within fourteen days of entering an appearance to the proceeding, present to the Secretary in writing a defence in Form E in the Schedule setting out sufficient particulars to show on what grounds he intends to resist the application.

Form E.
Schedule.

Power to require
further
particulars, etc.
Form F.
Schedule.

7. (1) A tribunal may, on the application of a party made either by notice in Form F in the Schedule to the Secretary or at the hearing of the originating application, or of its own motion —

- (a) require a party to furnish in writing to the person specified by the tribunal further particulars of the grounds on which that party relies and of any facts and contentions relevant thereto; or
- (b) require one party to grant to another such discovery or inspection (including the taking of copies) of documents as might be granted by the Supreme Court,

and may appoint the time at or within which and the place at which any act required in pursuance of this rule is to be done.

Form G
Schedule.

(2) A tribunal may, on the application of a party made either by notice in Form G in the Schedule to the Secretary or at the hearing of the originating application, or of its own motion —

- (a) require the attendance of any person, including a party, as a witness; and
- (b) if it does so require the attendance of a person, require him to produce any document relating to the matter to be determined,

and may appoint the time and place at which the person is to attend and, where appropriate, the time at or within which and the place at which any such document is to be produced.

Form H
Schedule.

(3) A tribunal may, on the application of a party made by notice in Form H in the Schedule to the Secretary or of its own motion, require a party in writing to furnish to the tribunal a written answer to any question if it considers —

- (a) that the answer of the party to that question may help to clarify any issue likely to arise for determination in the proceedings; and

- (b) that it would be likely to assist the progress of the proceedings for that answer to be available to the tribunal before the hearing,

and may appoint the time within which the written answer is to be furnished.

(4) Upon the imposition of a requirement under paragraph (3), the Secretary shall send a copy of the requirement and a copy of the answer to each other party.

(5) The tribunal shall take account of a written answer furnished pursuant to paragraph (3) in the same way as it takes account of representations in writing presented by a party pursuant to rule 10(4).

(6) Where a requirement has been imposed under paragraph (1), (2) or (3) —

- (a) on a party in his absence; or
(b) on a person other than a party,

that party or person may make an application to the tribunal to vary or set aside the requirement by notice in Form I in the Schedule to the Secretary given before the time at which or, as the case may be, the expiration of the time within which the requirement is to be complied with; and the Secretary shall give notice of the application to each party or, where applicable, to each party other than the party making the application.

Form I
Schedule.

(7) If a requirement under paragraph (1) or (3) is not complied with, a tribunal, before or at the hearing, may strike out the whole or part of the originating application, or, as the case may be, of the notice of appearance, and, where appropriate, direct that a respondent shall be debarred from defending altogether; but a tribunal shall not so strike out or direct unless it has sent notice to the party who has not complied with the requirement giving him an opportunity to show cause why the tribunal should not do so.

8. (1) The Chairman shall fix the date, time and place of the hearing of the originating application and the Secretary shall send to each party a notice of hearing in Form J in the Schedule together with information and guidance as to attendance at the hearing, witnesses and the bringing of documents, representation by another person and the making of written representations.

Time and place
of hearing.

Form J.
Schedule.