

CHAPTER 214

THE INDUSTRIAL COURT ACT

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INDUSTRIAL COURT

(19th June, 1976.)

411976.
511980.
611985.

PRELIMINARY

1. This Act may be cited as the Industrial Court Act. **Short title.**

2. (1) In this Act, unless the context otherwise **Interpretation.**
requires—

"the Court" means the Industrial Court established under section 4 of this Act;

«collective agreement', 'employee',

"employer", "established employee",

"industrial action", "Labour Commissioner",

"lockout", "Minister", "non-established employee",

"strike", "trade dispute", "trade union" have the same meanings as in section A 5 of the Antigua and Barbuda Labour Code;

“organisation” means an organisation representative of employers or an organisation representative of employees, as the case may be;

"prescribed" means prescribed by rules made under section 12 of this Act;

"Registrar" means the person for the time being performing the duties of Registrar of the Court.

3. (1) This Act shall be binding on the Government **Application and non-application.**
as the employer of its non-established employees but not as the employer of any of its other employees.

(2) This Act does not apply to—

(a) established employees of the Government;

- (b) members of the Antigua and Barbuda Defence Force;
- (c) members of the Royal Antigua Police Force;
- (d) persons holding the status of diplomatic agents;
- (e) persons employed by the United Nations or its specialised agencies.

PART I

THE INDUSTRIAL COURT

ESTABLISHMENT, JURISDICTION AND PROCEDURE

Establishment of
Industrial Court.

4. (1) For the purposes of this Act, there is hereby established an Industrial Court which shall have the jurisdiction and powers conferred on it by this Act.

(2) The Court shall have an official seal which shall be judicially noticed in all courts.

(3) Until a seal is provided in accordance with subsection (2) a Stamp may be used instead of such seal.

(4) The Court shall consist of—

- (a) a President being—
 - (i) a person with substantial background and experience in industrial relations, business administration, public administration, economics, accounts, or
 - (ii) a lawyer of not less than ten years standing, who shall be appointed by the Governor-General after consultation with the Judicial and Legal Services Commission; and

(b) such number of other members as may be determined by the Governor-General from time to time being persons—

- (i) who are experienced in industrial relations, business administration, public administration, or qualified as economists or accountants, or
- (ii) who are barristers or solicitors of not less than five years standing,

who shall be appointed by the Governor-General after consultation with the Judicial and Legal Services Commission.

(5) Where for any reason the President or any other member of the Court is unable to carry out his functions under this Act, the Governor-General may appoint some other duly qualified person to be the president or other member of the Court, as the case may be, for the period of such inability; and notwithstanding that the President or other member may have resumed the duties of his office, such person may continue to exercise such powers or perform such functions for the purpose of completing the hearing of and determining any trade dispute or matter commenced before such person.

(6) The Court may act notwithstanding any vacancies in its number or in the absence of any member from the hearing or any part thereof; and no act, proceeding or award of the Court shall be called in question or invalidated by reason of any such vacancy or absence.

(7) Any member of the Court whose appointment expires during the proceedings of the Court shall for the purpose of such proceedings continue to be a member of the Court and the term of his appointment shall be deemed to have been extended until the final disposal of the trade dispute or matter.

(8) The Court shall be duly constituted if it consists of the following members assigned by the President—

(a) when hearing a trade dispute, two or more members; or

(b) when hearing any other matter, one or more members.

5. (1) The President and the other members of the Court shall be paid such salary and allowances as may be provided by Parliament.

Period of appointment, remuneration, etc.

(2) The members of the Court shall hold office for such period being not less than three or more than five years as

is specified in their respective instruments of appointment, but shall be eligible for re-appointment.

Appointment of Registrar etc.

6. There shall be appointed a Registrar and other officers of the Court who shall be public officers.

Jurisdiction of Court.

7. (1) The Court shall have jurisdiction—

(a) to hear and determine trade disputes referred to it under this Act;

(b) to enjoin a trade union or other organisation of employees or other persons or an employer from taking or continuing industrial action;

(c) to hear and determine any complaints brought in accordance with this Act as well as such matters as may from time to time be referred to it under this Act.

(2) The Court shall have power—

(a) to punish summarily with a fine any person who commits a contempt in the presence or hearing of the Court when sitting, but such fine shall in no case exceed two thousand dollars, and shall be payable within a definite time, being not less than fourteen days from the imposition thereof;

(b) to impose fines for a contempt consisting of failure to comply with its orders or awards but such fines shall not exceed ten thousand dollars and shall be payable within a definite time being not less than twenty-one days from the imposition thereof.

(3) Proceedings for contempt for failing to comply with an order or award of the Court shall be commenced by an application by the person or organisation for whose benefit the order or award was made, and shall be in such form as may be prescribed. The application shall be served on the person who will be affected thereby not less than three clear days before the hearing thereof.

(4) Where it has come to the knowledge of the Court that any person bound by an order made under section 21 (1) is, or has been in breach thereof, the Court may sum-

mon such person to appear before it to answer for his contempt.

(5) In exercising its jurisdiction, the Court may sit at such places as the President may consider necessary for the despatch of the business of the Court.

(6) For the purposes of the foregoing provisions of this section a trade union or other organisation and the members of the Executive or other controlling body in a trade union or other organisation shall be deemed to be guilty of a breach of an order or award by which the union or the other organisation is bound, if an employee or other person who is a member of that union or other organisation, respectively, commits that breach by the direction or with the concurrence of any member of the Executive or other controlling body in that trade union or other organisation.

(7) All matters brought before the Court shall be determined by a majority of the members thereof.

8. (1) The Court, as respects the attendance and examination of witnesses, the production and inspection of documents, the enforcement of its orders and other matters necessary or proper for the due exercise of its jurisdiction, shall have all such powers, rights, and privileges as are vested in the High Court on the occasion of an action. **Procedure.**

(2) For the purpose of dealing with any matter before it, the Court may of its own motion summon any person who in the opinion of the Court is able to give such information as it considers necessary and may, in addition to and without prejudice to the generality of the foregoing, not withstanding anything contained in the Income Tax Act or in any other law, require the Commissioner of Inland Revenue to produce or make available any information which the Court may consider necessary; and the Court may, in its discretion and subject to such conditions as it may impose, disclose so much as it thinks fit of the information so produced or made available, and the Court may also prohibit the publication of any portion thereof. **Cap. 212.**

(3) Where the Court exercises its power to summon a person to give information under subsection (2), the Court

may direct that all or any part of the proceedings in the matter before it, as it may consider proper, be thereafter conducted in camera, and in any such case it may enjoin the parties or any of them and any member of the public and officers of the Court from disclosing any such information given in their presence and hearing.

(4) A summons signed by the Registrar shall be equivalent to any formal process issuable in any action taken in the High Court for enforcing the attendance of witnesses and compelling the production of documents.

(5) The Court may, in appropriate cases, permit evidence or argument to be presented in writing upon such terms and conditions as the Court thinks fit.

(6) The Court may after consultation with the Minister appoint one or more assessors who, in the opinion of the Court, are qualified by reason of their knowledge and experience to assist in the determination of any matter over which it has jurisdiction; and in appointing assessors, the Court shall have regard to any submissions or objections that may be put forward by any party or parties appearing before it.

(7) The Court shall make its award without delay and where practicable within thirty days from the date of reference to it of the trade dispute.

Court not bound to follow the rules of evidence.
Cap. 155.

9. (1) In the hearing and determination of any matter before it, the Court may act without regard to technicalities and legal form and shall not be bound to follow the rules of evidence stipulated in the Evidence Act, but the Court may inform itself on any matter in such manner as it thinks just and may take into account opinion evidence and such facts as it considers relevant and material, but in any such case the parties to the proceedings shall be given the opportunity, if they so desire, of adducing evidence in regard thereto.

(2) A party to any trade dispute or other matter may be represented at proceedings before the Court—

(a) by any official of a trade union;

(b) by any official or an organization of employers or workmen in Antigua and Barbuda; or

(c) by a legal practitioner

10. (1) The Court may in relation to any matter **Powers of Court.**
before it—

(a) make an order or award (including a provisional or interim order or award) relating to any or all of the matters in dispute or give a direction in pursuance of the hearing or determination;

(6) without prejudice to and in addition to its powers under section 7 (2), award compensation on complaints brought and proved before it by a party for whose benefit the order or award was made regarding any breach or non-observance of an order or award or any term thereof (other than an order or award for the payment of damages or compensation).

(2) The Court shall make no order as to costs in any dispute before it, unless for exceptional reasons the Court considers it proper to order otherwise, and the Court of Appeal shall in disposing of any appeal brought to it from the Court make no order as to costs, unless for exceptional reasons the Court of Appeal considers it proper to order otherwise.

(3) Notwithstanding anything in this Act or in any other rule of law to the contrary, the Court in the exercise of its powers shall—

(a) make such order or award in relation to a dispute before it as it considers fair and just, having regard to the interests of the persons immediately concerned and the community as a whole;

(b) act in accordance with equity, good conscience and the substantial merits of the case before it, having regard to the principles and practices of good industrial relations and, in particular, the Antigua and Barbuda Labour Code. **Cap. 27.**

(4) Notwithstanding any rule of law to the contrary, but subject to subsections (5) and (6), in addition to its

jurisdiction and powers under this Part, the Court may, in any dispute concerning the dismissal of an employee, order the re-employment or re-instatement (in his former or a similar position) of any employee, subject to such conditions as the Court thinks fit to impose, or the payment of compensation or damages whether or not *in lieu* of such re-employment or re-instatement, or the payment of exemplary damages *in lieu* of such re-employment or re-instatement.

(5) An order under subsection (4) may be made where, in the opinion of the Court, an employee has been dismissed in circumstances that are harsh and oppressive or not in accordance with the principles of good industrial relations practice; and in the case of an order for compensation or damages, the Court in making an assessment thereon shall not be bound to follow any rule of law for the assessment of compensation or damages and the Court may make an assessment that is in its opinion fair and appropriate.

(6) The opinion of the Court as to whether an employee has been dismissed in circumstances that are harsh and oppressive or not in accordance with the principles of good industrial relations practice and any order for compensation or damages including the assessment thereof made pursuant to sub-section (5) shall not be challenged, appealed against, reviewed, quashed or called in question in any court on any account whatever.

(7) Where, in any proceedings for the non-observance of an order or award or the interpretation or application of a collective agreement, it appears to the Court that an employee of the employer has not been paid an amount to which he is entitled under such an order or award or such an agreement the Court, in addition to any other order, may order the employer to pay the employee the amount to which he is entitled and any such amount shall be deemed to be damages and be recoverable in the manner provided by section 13.

Additional
powers of Court.

11. In addition to the powers conferred on it under the foregoing provisions of this Part, the Court may—

(a) proceed to hear and determine a trade dispute in the absence of any party who has been duly summoned to appear before the Court and has failed to do so;

(b) order any person—

(i) who in the opinion of the Court may be affected by an order or award; or

(ii) who in any other case the Court considers it just to be joined as a party,

to be joined as a party to the proceedings under consideration on such terms and conditions as the Court may direct;

(c) make all such suggestions and do all such things as appear to be right and proper for reconciling the parties;

(d) generally give all such directions and do all such things as are necessary or expedient for the expeditious and just hearing and determination of the trade dispute or any other matter before it.

12. Subject to this Act, the President may, by rules, regulate the practice and procedure of the Court for the hearing and determination of all matters before it. **President to make rules of procedure.**

13. (1) On the expiration of the time fixed for compliance with an order or award for the payment of compensation, damages or fines, the amount thereof shall become due and payable and is recoverable in the manner provided by this section. **Recovery of compensation, damages or fines.**

(2) Compensation, damages or fines are, upon a certificate issued by the Registrar stating that the amounts specified therein are due and payable under an order or award of the Court,—

(a) recoverable summarily as a civil debt; or

(b) recoverable in the manner provided in subsection (3),

by the person for whose benefit the order or award for such compensation or damages was made or, in the case of an order for a fine, by the Registrar. The certificate of the

Registrar under this subsection is conclusive evidence of the matters specified therein.

(3) Upon the filing of a certificate issued under subsection (2) in the Registry of the High Court, the order or award shall as from the date of filing be of the same force and effect and proceedings may be taken thereon and the order or award may be enforced as if it had been a judgment originally obtained or entered up on the date of filing in the High Court.

(4) The High Court shall have the same control and jurisdiction over the order or award as it has over the judgments given by itself, but in so far only as relates to execution.

(5) All costs and charges incurred under this section shall be recoverable in like manner as if included in the certificate.

(6) All fines recoverable by the Registrar under this section shall be paid into the general revenue.

Award may be retrospective.

14. (1) An award on any matter referred to the Court for settlement may be made retrospective to such date not being earlier than the date on which the dispute or question to which the award relates first arose.

(2) The provisions of section 17 (1) apply to the decision of the Court as to the date on which the dispute or question to which the award relates first arose.

Interpretation of orders, awards and collective agreements.

15. (1) Where any question arises as to the interpretation of any order or award of the Court, the Minister or any party to the matter may apply to the Court for a decision on such question and the Court shall decide the matter either after hearing the parties or, without such hearing, where the consent of the parties has first been obtained. The decision of the Court shall be notified to the parties and shall be binding in the same manner as the decision on the original order or award.

(2) Where there is any question or difference as to the interpretation or application of the provisions of a collective agreement any employer or trade union having an interest

in the matter or the Minister may make application to the Court for the determination of such question or difference.

(3) The decision of the Court on any matter before it under subsection (2) shall be binding on the parties thereto and is final.

16. The Court shall expeditiously hear, inquire into and investigate every dispute and all matters affecting the merits of such dispute before it and, without limiting the generality of the foregoing, shall in particular hear, receive and consider submissions, arguments and evidence made, presented or tendered (whether orally or in writing)—

Scope of hearing
by Court.

(a) by or on behalf of the employer or employee concerned;

(b) by the trade union concerned on behalf of the employees involved in the dispute;

(c) in the name of the Attorney-General if he has intervened under section 18.

17. (1) Subject to this Act, any party to a matter before the Court shall be entitled as of right to appeal to the Court of Appeal on any of the following grounds, but no others—

Appeal on point
of law.

(a) that the Court had no jurisdiction in the matter, but so however, that it shall not be competent for the Court of Appeal to entertain such ground of appeal, unless objection to the jurisdiction of the Court has been formally taken at some time during the progress of the matter before the making of the order or award;

(b) that the Court has exceeded its jurisdiction in the matter;

(c) that the order or award has been obtained by fraud;

(d) that any finding or decision of the Court in any matter is erroneous in point of law; or

(e) that some other specific illegality, not hereinbefore mentioned, and substantially affecting the merits of the matter, has been committed in the course of the proceedings.

(2) On hearing of an appeal in any matter brought before it under this Act, the Court of Appeal shall have power—

(a) if it appears to the Court of Appeal that a new hearing should be held, to set aside the order or award appealed against and order that a new hearing be held; or

(b) to order a new hearing on any question without interfering with the finding or decision upon any other question,

and the Court of Appeal may make such final or other order as the circumstances of the matter may require.

(3) The Court of Appeal may in any matter brought on appeal before it, dismiss the appeal if it considers that no substantial miscarriage of justice has actually occurred although it is of the opinion that any point raised in the appeal might have been decided in favour of the appellant.

(4) Subject to subsection (1), the hearing and determination of any proceedings before the Court, and an order or award or any finding or decision of the Court in any matter (including an order or award)—

(a) shall not be challenged, appealed against, reviewed, quashed or called in question in any court on any account whatever; and

(b) shall not be subject to prohibition, mandamus or injunction in any court on any account whatever.

**Intervention by
the
Attorney-General.**

18. (1) Where any dispute is before the Court, the Attorney-General may, for the purpose of giving such assistance to the Court as he may be able to provide with the consent of the Court, intervene, where it appears to him that some question of public importance or affecting the public interest or both has arisen and that it is fit and proper that the public interest should be represented therein.

(2) No intervention by the Attorney-General shall be taken to cause the Attorney-General to become a party to the dispute before the Court, and accordingly no order or

award may be made against the Attorney-General either in the matter or, subject to section 10 (2), as to costs.

(3) Where the Attorney-General intervenes in a dispute he may instruct such persons as he thinks fit to appear on his behalf.

PART II

TRADE DISPUTE PROCEDURE

19. (1) Where the existence of a trade dispute has come to the attention of the Minister or the Labour Commissioner under and by virtue of the provisions of section K 14 (1) of the Antigua and Barbuda Labour Code, the Minister may at any stage refer the dispute to the Court; and notwithstanding the provisions of sections K 14 and B 5(2) of the Antigua and Barbuda Labour Code, upon such referral the Labour Commissioner shall cease to perform the duty conferred on him by the said sections of seeking to achieve a voluntary adjustment or settlement of the trade dispute. Trade dispute procedure.
Cap. 27.

(2) If within ten days after the existence of a trade dispute has come to the attention of the Labour Commissioner and he has failed to achieve a voluntary adjustment or settlement of the trade dispute, a party to the trade dispute may refer the dispute to the Court, and upon such referral the power conferred on the Minister by section K 15 and section B6 of the Antigua and Barbuda Labour Code of seeking to achieve a voluntary adjustment or settlement of a trade dispute shall cease to be exercisable by him for the purposes of that trade dispute. Cap. 27.

(3) For the purposes of subsection (2) the expression "a party to the trade dispute" shall include—

(a) an organisation of employees, on behalf of employees who are parties to the dispute and are members of that organisation;

(b) an organisation of employers, where the dispute is between the employers and employees in the employment of those employers;

(c) an employer, where the dispute is between that employer and employees in the employment of that employer; or

(6) a trade union, on behalf of employees who are parties to the dispute and are members of that trade union.

(4) Where a trade dispute is referred to the Court the reference shall be in writing and in such form as may be prescribed.

(5) Every party referring a trade dispute to the Court shall, without delay, furnish by hand or by registered post a copy of such reference to the other party or parties to the dispute, by leaving the same at, or addressing the same to, the principal place of business of the other party.

Cap. 27.

(6) Where a trade dispute is referred to the Court under this section all provisions of the Antigua and Barbuda Labour Code that relate to—

(a) the voluntary adjustment or settlement of that dispute;

(b) private negotiations or any other means of resolving issues between the parties to that dispute;

(c) prosecution for the commission of any offence in connection with that dispute;

(d) references to the Minister, the Labour Commissioner, a decisional officer or an Arbitration Tribunal of any matter or thing relative to that dispute,

shall forthwith cease to have effect for all the purposes of that trade dispute.

PART III

LOCKOUTS AND STRIKES

Strikes or lockouts prohibited during hearings etc.

20. (1) No employee may go on strike or take part in a strike and no employer may declare a lockout or take part in a lockout while proceedings in relation to a trade dispute between such employee and such employer are pending before the Court or the Court of Appeal.

(2) No employee may go on a strike or take part in a strike and no employer may declare a lockout or take part in a lockout as a result of disagreement or dissatisfaction with, an order or award of the Court or the Court of Appeal.

(3) Any person who contravenes the provisions of subsection (2) is guilty of an offence and shall be liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a period not exceeding six months.

(4) An employer who declares or takes part in a lockout in contravention of subsection (1) shall be guilty of an offence and be liable on summary conviction to a fine of twenty-five thousand dollars or to imprisonment for two years.

(5) Any trade union which calls a strike in contravention of subsection (1) shall be guilty of an offence and shall be liable on summary conviction to a fine of twenty-five thousand dollars.

(6) Any person who calls out any employees on strike in contravention of subsection (1) is guilty of an offence and—

(a) if he is a member of the Executive of a trade union or other organisation, shall be liable on summary conviction to a fine of fifteen thousand dollars or to imprisonment for twelve months.

(b) if he is not such a member he shall be liable on summary conviction to a fine of twenty-five thousand dollars or to imprisonment for two years.

(7) Any employee who takes part in a strike called in contravention of subsection (1) is guilty of an offence and shall be liable on summary conviction to a fine of five hundred dollars or three months imprisonment.

(8) For the purposes of subsection (6) (a) where a strike is called in contravention of subsection (1) it shall be presumed until the contrary is proved that the strike was authorised by the members of the Executive of the trade union or other organisation concerned, and the burden of proving that the strike was not so authorised shall be on the persons charged.

Stop order in the national interest.

21. (1) Where a strike or lockout which is not in contravention of section 20 is threatened or taken and the Minister considers that the national interest is threatened or affected he may make application to the Court for an injunction restraining the parties from commencing or from continuing such strike or lockout; and the Court may make such order thereon as it considers fit having regard to the national interest.

(2) Where the Court upon such an application makes an order under subsection (1), the parties bound by such an order shall thereupon refrain from, or discontinue any action for a strike or lockout; and the Court may further order that the matter shall be deemed to have been referred to the Court by the parties thereto for determination.

(3) An order made by the Court under subsection (1) shall be published in the *Gazette* and in at least one newspaper circulating in Antigua and Barbuda and such publication shall be deemed to be service of notice thereof on all parties to the dispute, including all employees or employers engaged in the strike or lockout, whether threatened or taking place.

(4) Subject to the provisions of section 7 (4), any person who fails to comply with an order of the Court made under sub-section (1) shall be guilty of contempt of Court and shall be liable to the punishment specified in section 7 (2) (b).

(5) Subject to the provisions of this section, no order of the Court made under subsection (1) shall be deemed to have validated any action taken if such action was not otherwise in conformity with the provisions of this Part.

Offence for persons to contribute financial assistance to promote or support strike or lockout.

22. (1) Any person who, for the purpose of promoting or maintaining a strike or lockout declared contrary to any of the provisions of this Act, directly or indirectly contributes financial assistance—

(a) to a trade union of employees which calls a strike or to any employee involved in such strike;

(b) to any employer or trade union of employers which declares a lockout.

shall be guilty of an offence and liable on summary conviction to a fine of ten thousand dollars or to imprisonment for eighteen months.

(2) Any trade union or any employer who receives any financial assistance for the purpose of supporting a strike or lockout called or declared in contravention of any provision of this Act shall be guilty of an offence and liable on summary conviction to a fine of ten thousand dollars or to imprisonment for eighteen months.

23. In addition to any penalty imposed under this Part, the Magistrate may, in the case of a continuing offence against any provision of this Part impose a further penalty of—

Continuing offences.

(a) a fine of two thousand dollars, in the case of an employer;

(b) a fine of one thousand dollars, in the case of an official of a trade union or other organisation, for each day during which the offence continues.

PART IV

AWARDS DURATION AND ENFORCEMENT

24. (1) An award shall, subject to subsection (2) continue in force for the period specified in the award, being not more than three years from the date upon which the award comes into force.

Duration of awards.

(2) After the expiration of the period so specified, the award shall, subject to sub-section (3), and unless the Court otherwise orders, continue in force until a new award has been made.

(3) Where, in pursuance of subsection (2), an award has continued in force after the expiration of the period specified in the award, any award made by the Court for the settlement of a new dispute between the parties may be made to operate from a date not earlier than the date upon which the dispute arose.

(4) Where an award is for a period of three years, the Court may review such award at any time after the expiry of the second year.

(5) The fact that an award has been made and is in force shall not prevent an award being made for the settlement of a further dispute between all or any of the parties to the first-mentioned award, with or without additional parties, and whether or not the subject matter of the further dispute is the same in whole or in part as the subject matter of the dispute determined by the first-mentioned award.

Awards.

25. (1) In making its award, the Court shall not be restricted to the specific relief claimed by the parties or to the demands made by the parties in the course of the trade dispute but may include in the award any matter or thing which it thinks necessary or expedient for the purpose of settling the trade dispute.

(2) The award of the Court shall be signed by the President or, if the President is for any reason unable to sign the award, by the remaining members.

(3) The Court may rectify in any award any clerical error or mistake arising from any accidental slip or omission.

(4) In the event of an agreement being reached during the proceedings before the Court, the Court in making its award may, subject to the provisions of this Act, have regard to the terms of such agreement.

On whom award to be binding.

26. (1) An award of the Court shall be binding on—

(a) all parties to the trade dispute who appear or are represented before the Court;

(b) all parties to the trade dispute who have been summoned to appear as parties to the dispute whether they have appeared or not;

(c) in the case of employers, any successor to, or any assignee of, the business of the employer who is a party bound by the award, including any company

which has acquired or taken over the business of such a party;

(d) all trade unions or other organisations on whom the award is at any time declared by the Court to be binding, as well as on their successors, and

(e) all employees employed by their employers who are bound by the award or the successors or assignees of such employers.

(2) Any person, trade union or other organisation or employer bound by an order or award may at any time during the continuance of such order or award complain to the Court of the manner in which the award is being administered or of an infringement or breach of the terms of such order or award; and the Court may hear and determine every such complaint in the manner prescribed for the hearing and determination of trade disputes and may make such order or give such directions as the justice of the case may require.

PART V

GENERAL

27. Where an offence punishable under this Act has been committed by a company, any person who at the time of the commission of the offence was a director, general manager, secretary or other officer of the company, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence, unless he proves that the contravention was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

Liability of officers of companies.

28. Notwithstanding anything contained in section 75 of the Magistrate's Code of Procedure Act, it shall be lawful for any complaint for an offence against this Act to be made within six months from the time when the matter of such complaint arose.

Limitation of time for complaints. Cap. 255.

**Consent of
Director of
Public
Prosecutions.**

29. A prosecution for any contravention of any provision of sections 20 and 22 shall not be instituted save by and with the written consent of the Director of Public Prosecutions.

**Power of
Minister to make
regulations.**

30. The Minister may make regulations generally for giving effect to the provisions of this Act.

**Immunity to
members of the
Court.**

31. Notwithstanding anything to the contrary in any written law, no member of the Court shall be compelled by any Court of law to appear as a witness or party in any proceedings before that Court in relation to any act, matter or thing performed by him as a member of the Court under this Act.
