
CHAPTER 214

THE INDUSTRIAL COURT (PROCEDURE) RULES

Arrangement of Rules

Rules

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SCHEDULE—Forms 1 – 4.

S.R.O. 16/1980.

THE INDUSTRIAL COURT ACT

**THE INDUSTRIAL COURT (PROCEDURE) RULES MADE UNDER
SECTION 12 OF THE INDUSTRIAL COURT ACT.**

1. SHORT TITLE AND COMMENCEMENT. (1) These Rules may be cited as the Industrial Court (Procedure) Rules.

(2) These Rules shall come into operation on 15th October, 1980.

2. INTERPRETATION. In these Rules, unless the context otherwise requires—

“the Act” means the Industrial Court Act;

“the Court” means the Court established under the Act;

“Form” means a Form in the Schedule;

“Minister” has the meaning ascribed to it in section A 5 of the Antigua and Barbuda Labour Code;

“President” means the President of the Court;

“Registrar” means the Registrar of the Court;

“Rule” means one of these Rules;

“Schedule” means the Schedule to these Rules.

3. COURT REGISTER. (1) There shall be kept under the supervision of the President a register (in these Rules referred to as “the Court Register”) in which shall be entered the date on which a reference to the Court is received, the names of the parties to the dispute with which the reference is concerned, the nature of the dispute, the date and place of hearing, and such other particulars as the President may direct.

(2) References shall be entered and numbered in the order in which they are received.

4. FORM OF REFERENCE TO COURT. Where a trade dispute is referred to the Court under section 19 of the Act, the reference shall be in Form 1, or as near thereto as circumstances permit. The Court shall thereupon take cognizance of the dispute and cause the dispute to be registered in the Court Register.

5. COPIES OF REFERENCE TO BE SUPPLIED. Where a trade dispute is referred to the Court—

(a) by the Minister, he shall deliver four copies of the reference to the Court, and furnish a copy thereof to the parties to the dispute or the person or organization representing the parties;

(b) by a person other than the Minister, such person shall deliver four copies of the reference to the Court and furnish a copy to the other party to the dispute.

6. REGISTRATION OF REFERENCE AND DATE FOR HEARING. Where a reference has been made to the Court under the provisions of Rule 4, the Registrar shall notify the parties to the reference of the registration number thereof, and the President after consultation with the other members of the Court shall fix the date and place of hearing of the reference and the Registrar shall notify the parties of the date and place so fixed.

7. MEMORANDUM BY EACH PARTY. (1) Each party to a reference shall within such period as the President may direct, not being less than seven days after the date of such direction, present a memorandum to the Court.

(2) The President shall determine in what order memoranda required by paragraph (1) of this Rule shall be presented to the Court.

(3) The memorandum by the employee shall be headed "Employee's Memorandum", and that by the employer, "Employer's Memorandum".

(4) The employee's memorandum shall set out full particulars relating to the issue in dispute between the parties as stated in the reference, and shall also include full particulars of such matters and things as the employee may be claiming which arise out of the issue in dispute.

(5) The employer's memorandum shall contain a full reply to the employee's memorandum.

(6) Each party on presenting his memorandum to the Court shall serve on the other a true copy thereof.

(7) For the purposes of paragraph (6) of this Rule, service may be effected by hand or by registered post by leaving the memorandum at, or addressing it to, the principal place of business of the party to be served.

(8) If any question arises as to whether or not a copy of a memorandum has been served by one party on the other, the President may require the party who claims to have served the memorandum, to file an affidavit

in proof of such service, and may direct both parties to attend his Chambers on such date as he may fix, for the purpose of determining this issue if necessary.

(9) Each party to a reference shall submit four copies of his memorandum to the Court, and where under Rule 9 the President requires further details in clarification or amplification of any matter to be delivered by any party, such party shall submit four copies of such details to the Court and furnish a copy thereof to the other party.

8. EXTENSION OF TIME. (1) The period specified under paragraph (1) of Rule 7 for the delivery of a memorandum may be extended by the President on an application in writing by the party requiring such extension stating the reason why the extension is necessary.

(2) Where a party indicates to the President that he has no objection to the application being granted, neither party need appear when the application is being dealt with by the President.

(3) An application for extension may be granted although the application is not made until after the expiration of the period originally fixed for presenting a memorandum.

9. FURTHER PARTICULARS. When the President considers that a memorandum does not set forth adequately the particulars required to be contained therein, or for any other reason, at his absolute discretion, the President requires clarification or amplification of any matter relevant to the dispute, the President may require the party concerned to provide such further details as he may consider necessary within such period as he may determine, and the party so required shall provide to the Court and to the other party to the dispute such clarification or amplification as is required.

10. WITNESSES. (1) A party who proposes to call witnesses in support of its memorandum shall state this fact in his memorandum and the names of the proposed witnesses shall be given.

(2) A party shall be at liberty with the permission of the President or of the Court to call witnesses in addition to those whose names are mentioned in his memorandum.

11. EXAMINATION OF WITNESSES. The Court shall examine all witnesses and parties concerned on oath or affirmation and every such person shall be subject to cross-examination.

12. DOCUMENTS IN SUPPORT OF A MEMORANDUM. (1) In the event of documents being submitted by either party in support of his memorandum, they shall be in original or, where the original of a document is not available, by a certified or photocopy of the original.

(2) The documents submitted pursuant to paragraph (1) of this Rule shall be annexed to the memorandum, shall be referred to therein and identified by a letter or by letters of the alphabet.

13. COLLECTIVE AGREEMENTS. Where a document submitted by a party under Rule 12 is a Collective Agreement it shall have two certificates endorsed thereon by the Labour Commissioner to show that it has satisfied the requirements of the sections of the Antigua and Barbuda Labour Code hereinafter in this Rule mentioned. One certificate shall be to the effect that the Collective Agreement is a true copy of the Collective Agreement filed with the Labour Department under section G 20 (1), or as the case may be, section H 8 (9) of the Antigua and Barbuda Labour Code; and the other certificate shall be to the effect that the Collective Agreement is a lawful contract in all respects as required by section K 25 (2) (v) of the Antigua and Barbuda Labour Code.

14. DOCUMENTARY EXHIBITS. Where a documentary exhibit is admitted in evidence during the hearing of a reference, a sufficient number of copies thereof shall be submitted for the use of the members of the Court, and where sufficient copies are not available for this purpose the Court may require the party presenting the exhibit to prepare within such period as the Court may fix, such further copies as may be required.

15. CLERICAL MISTAKES. The Court may correct in any order or award any clerical mistakes or error arising from an accidental slip or omission without further reference to the parties.

16. FORM OF APPLICATION UNDER SECTION 7 (3) OF THE ACT. An application for commencing contempt proceedings under section 7 (3) of the Act, shall be in Form 2 or as near thereto as circumstances permit.

17. SUMMONS BY REGISTRAR. A summons issued under section 7 (4) or section 8 (4) of the Act, shall be in Form 3 with such variations as the circumstances may require.

18. REGISTRAR'S CERTIFICATE. A certificate by the Registrar under section 13 (2) of the Act shall be in Form 4 with such variations as the circumstances may require.

LAWS OF ANTIGUA AND BARBUDA

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CAP. 214)

Industrial Court

SCHEDULE

r.4

FORM 1

To

The Industrial Court

..... Street
St. John's, Antigua and Barbuda

REFERENCE NO. of 19

Between

AB *Employer/*Employee
and

CD *Employer/*Employee

In accordance with the provisions of section 19 of the Industrial Court Act notification is hereby given of the existence of a trade dispute between

.....of.....
Name of Party Business Address

and of.....
Name of Party Business Address

The said is the employer and is represented at
Name of Party

this reference by (1)

The said is the employee and is represented
Name of Party

at this reference by (2)

The issues in dispute between the parties are—
[Here list issues in dispute]

Dated the day of.....19.....

.....
*Minister.

.....
*Employee.

.....
*Employer.

*Delete if not applicable

(1) and (2) Here state name and address of person or organization if any, representing the party.

LAWS OF ANTIGUA AND BARBUDA

Industrial Court

(CAP. 214

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FORM 2

r.16

Application Commencing

Contempt Proceedings

AB Applicant

and

CD Respondent

To of
Name Address of person to be served
with notice

TAKE NOTICE: that you are required to attend the Industrial Court Sitting
at in St. John's, Antigua and Barbuda on the
..... day of
..... 19..... at o'clock in the *morning/*after
noon on the hearing of an application for an order to impose a penalty on you
for contempt of Court.

And further take notice that the grounds of this application are.....

.....
(Give full details of the alleged contempt)

Dated the..... day of..... 19.....

.....
Applicant.

NOTE: This notice must be served not less than three clear days before the hear-
ing of the application.

.....
*Delete whichever does not apply.

LAWS OF ANTIGUA AND BARBUDA

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CAP. 214)

Industrial Court

FORM 3

r.17.

Summons

Reference No.....of 19.....

Between

AB.....*Employer/*Employee
and

CD.....*Employer/Employee

To.....

Insert name and address of person summoned

You are hereby summoned to appear before the Industrial Court sitting
at in St. John's, Antigua and Barbuda on
the..... day of.....at.....o'clock in the *morning/*afternoon
to give evidence in relation to Reference No.....
the parties to which are.....
Insert names of parties to the dispute

If the witness is to produce documents add the following:

“And you are required to bring with you and produce the following
documents”

.....
Describe the documents required

NOTE: If the witness is being summoned to show cause why he should not be
punished for contempt of Court, substitute for the words:

“to give evidence in relation to Reference No.....
the parties to which are”, the following words—

“To show cause why you should not be punished for contempt of Court in
failing to comply with the following *award/*order of the Court, viz.

.....
State terms of award or order.

*Delete whichever does not apply.

in that you have failed to.....
State what the person has failed to do.

Dated the.....day of.....19.....

.....
Registrar of the Industrial Court

FORM 4

r.18.

Certificate of Registrar

By an *order/*award of the Industrial Court dated the.....day of
.....19.....it was *adjudged/*ordered that.....

.....
Give particulars of the order or award.

I hereby certify that the *compensation/*damages amounting to \$.....
*is/*are due and payable by.....to.....

NOTE: Where the amount due and payable is a fine recoverable by the Registrar
use the following:

"I hereby certify that the fine payable by.....
here insert name of party

.....is due and payable and amounts to
\$.....to pay fine.

Dated the.....day of.....19.....

.....
Registrar of the Industrial Court

Made this 16th day of July, 1980.

.....
*Delete whichever does not apply.