
INDUSTRIAL DISPUTES TRIBUNAL RULES 2007

The Administrator makes the following Rules in exercise of his powers under section 19 of the Annual Holidays with Pay Ordinance 1973(a), after consultation with the Senior Judge.

Citation and Commencement

1. These Rules may be cited as the Industrial Disputes Tribunal Rules 2007 and come in to force on the date of publication in the Gazette in relation to any claim brought after that date.

Interpretation

2. In these Rules, unless the context otherwise requires –

“Chairman” means the chairman of the Tribunal designated under Section 16(3) of the Ordinance;

“claim” means an industrial dispute which the Tribunal has power to deal with;

“claimant” means the person who makes the claim;

“interim application” means an application other than a claim;

“litigant” means the claimant or respondent to the claim;

“judgment” includes any Order made by the Tribunal at the conclusion of the proceedings;

“Ordinance” means the Annual Holidays with Pay Ordinance 1973;

“pleadings” means the claim form and response provided for in these Rules;

“Register” means the record of cases and judgments heard in the Industrial Disputes Tribunal;

“Registrar” means an officer to whom the duties of Registrar of the Industrial Disputes Tribunal are assigned by the Senior Judge’s Court;

“respondent” means the person against whom the claim is made;

“Tribunal” means the Industrial Disputes Tribunal established under section 16 of the Ordinance.

Bringing a claim

3. (1) A claim is brought before the Tribunal by the submission of a claim form in Form 1.

(2) A fee of £5 is payable to the Registrar when a claim form is filed.

(3) A fee of £2 is payable to the Registrar when an Interim Application is filed.

Time Limit

4. (1) Subject to subsection (2), the Tribunal will not consider a claim unless it is made to the tribunal-

(a) before the end of the period of 3 months beginning with the effective date of termination, or

(b) within such further period as the Tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented before the end of the period of 3 months.

(2) Where a dismissal is with notice, the Tribunal will consider a claim if it is presented after the notice is given but before the effective date of termination.

(3) In relation to a claim which is presented as mentioned in subsection (2), the provisions of the these Rules have effect as if-

- (a) references to a complaint by a person that he was unfairly dismissed by his employer included references to a complaint by a person that his employer has given him notice in such circumstances that he will be unfairly dismissed when the notice expires;
- (b) references to the effective date of termination included references to the date which would be the effective date of termination on the expiry of notice, and
- (c) references to an employee ceasing to be employed included references to an employee having been given notice of dismissal.

Tribunal Registry

5. (1) The Registrar of the Senior Judge's Court will act as the Registrar of the Industrial Disputes Tribunal.

(2) The Registrar will enter a claim in the Register in alphabetical order. Such entry will include the number of the claim, the names of the litigants and the date of entry.

(3) A copy of a claim will be served on the respondent in accordance with Order 5 of the Civil Procedure Rules**(b)**.

(4) The copy served in accordance with paragraph (3) will be accompanied by a notice with the details provided for in Form 2.

Response to a Claim

6. (1) If a respondent wishes to dispute a claim or a part of a claim, he will, within 21 days of being served with the claim form serve on the Tribunal a response by completing Form 3.

(2) A fee of £5 will be paid to the Registrar when a response is filed. A fee is not payable where a response is on behalf of the Crown.

(3) Upon receiving a response the Registrar will send a copy to any other litigant.

(4) With the exception of an application for extending the time-limit to enter a response, a respondent who fails to lodge a response with the Tribunal in the specified time limit will not be entitled to participate in the proceedings.

General Powers of the Chairman

7. Subject to rule 6(4) the Chairman may of his own volition or after the application of a litigant-

- (a) require a litigant to provide in writing additional particulars in relation to any grounds on which he bases his case and facts on which he relies;
- (b) call a person to appear as a witness at the hearing;
- (c) require a litigant to produce documents relevant to the issues in dispute;
- (d) appoint an expert to carry out research necessary for ascertaining any significant facts relevant for solving an issue in dispute;
- (e) issue directions he decides necessary for the conduct or progress of the case including the fixing of a time limit for taking procedural measures and the carrying out of an act provided for in these Rules.

Summoning Witnesses

8. (1) An application to summon a witness will be submitted to the Tribunal not less than 14 days prior to the date of hearing, except where the Chairman reduces such time limit.

(2) Not less than 7 days prior to the date of the hearing the litigants will lodge with the Tribunal and serve on the opposing party or parties a copy or copies of a witness statement for any witness they propose to call at the hearing.

Failure of witness to appear at hearing

9. Where a person called as a witness fails to appear before a Tribunal, the Tribunal may issue a warrant of arrest to secure that persons attendance before the Tribunal, and may order him to pay any expenses incurred due to his failure to appear before it.

Directions for Hearing

10. (1) Upon the conclusion of the pleadings the Registry will forward a case for hearing before the Tribunal.

(2) At least 28 days prior to a fixed hearing date the Registrar will send to the litigants a notice of the hearing date, as provided in Form 4.

Hearing

11. (1) The hearing of a claim will be held in public unless the Tribunal considers in accordance with Section 57 of the Courts Ordinance 1960(c) that the press and public will be excluded from the hearing.

(2) The hearing will be carried out in accordance with any rules regarding the conduct of a trial contained in Order 33 of the Civil Procedure Rules.

(3) Where the claimant fails to appear at the hearing the Tribunal may reject the claim, or alternatively adjourn the hearing to a later date where it considers this to be in the interests of justice.

(4) Where the respondent fails to appear at the hearing, the Tribunal may proceed with the hearing in his absence, or adjourn the hearing to a future date where the Tribunal considers this to be in the interests of justice.

(5) In the case of paragraphs (3) and (4), the Tribunal may issue any order as to costs that it considers appropriate.

(6) A witness called upon to give evidence before the Tribunal will before being examined, be required to take such oath as is customarily administered to persons of his creed or faith testifying upon oath before a Court of Justice.

(7) If a witness objects to taking an oath or will be objected to as incompetent to take an oath, or if the Tribunal is of the opinion that the taking of an oath will have no binding effect on his conscience he will be required to make the following promise and declaration:-

“I solemnly promise and declare that the evidence given by me to the Tribunal shall be the truth, the whole truth, and nothing but the truth.”

Production and Submission of Documents

12. (1) A litigant may require from another litigant by letter, a copy of which will be submitted to the Registrar, documents relevant to the claim to be served on him.

(2) Documents served in reply to a requirement referred to in paragraph (1) will be submitted to the Tribunal not later than 7 days before the hearing.

(3) If a litigant fails to provide documents in accordance with paragraph (1), another litigant may apply to the Tribunal for an Order that a copy of the documents is provided.

Judgments and Keeping of Records

13. (1) The judgment of the Tribunal will be issued publicly by the Chairman, who will also sign the judgment. Any dissenting opinion will also be issued publicly.

(2) The Registrar will enter the judgment in the Register, and the minority opinion in the Register, and will send a copy to all the litigants, including any litigant not entitled to participate in the proceedings by virtue of rule 6(4).

(3) The Register is kept by the Registrar and is subject to inspection on reasonable notice by any person without the payment of any fee, unless the public was excluded from the proceedings in accordance with section 57 of the Civil Procedure Rules 1960.

(4) Grammatical errors in judgments or errors occurring by an accidental error or omission may at any time be rectified by the Tribunal of its own motion, or upon an application. Judgments and keeping of records.

Chairman's Powers to Administer Claim

14. The Chairman may-

- (a) extend a time limit prescribed by these Rules for taking measures subject to such conditions as he may consider appropriate. An application to extend a fixed time limit may be accepted after the expiry of such a time limit.
- (b) issue an order necessary for the purposes of a case or for its completion;
- (c) amend the date and time fixed for the hearing of the claim;
- (d) reject a claim at any stage of the proceedings where the claimant abandons his claim;
- (e) accept a declaration of settlement of the claim and issue a judgment on it, provided that it is in accordance with any Ordinance or Public Instrument in force in the Areas at the time;

Interim Applications

15. (1) An interim application will be made using Form 6.

(2) An interim application will be served on the opposing litigant unless the Tribunal decides that there are exceptional circumstances, in which case it will handle the application ex-parte. In such case, a direction or order will be notified to the opposing litigant who may within 7 days from receipt of the notification apply for it to be set aside.

(3) An ex-parte applications will be made using Form 6, but will exclude those details which the litigant making the application requires to be withheld from the opposing litigant.

(4) An interim application and any objection to it may be submitted orally with the leave of the Tribunal where it considers this to be justified by the circumstances of the application.

(5) An objection will be made in Form 7 and will be submitted within 7 days from the interim application.

Service of Claim and Legal Documents

16. (1) A claim submitted under these Rules will be accompanied by 7 copies unless the Registrar decides that more copies are required.

(2) A claim will be lodged directly with the Registrar.

(3) The service of a legal document to another litigant or parties will be made by letter or double registered letter through the mail or by person or through private service.

(4) Service on a litigant will be made as follows:

- (a) in relation to a person at his last known residence or business premises;
- (b) in relation to a company at the registered place of the company or at the premises of its professional activities.
- (c) where service is made to an authorised agent of a litigant, it will be considered to have been made to the litigant himself.

(5) The address for service which is determined in a document may include, provided a litigant so chooses or a part of the proceeding so provides, service or delivery through a designated facsimile. Where an address of a service also includes a facsimile, service or delivery of a judicial document via facsimile transmission will be accepted.

(6) In a case where it has not been possible to effect service of the claim, the claimant may apply to the Tribunal for an order that service is made in some other way in accordance with the provisions of Order 5A of the Civil Procedure Rules.

(7) A litigant who changes his address for service will notify the Registrar and other litigants of the new service address.

Legal fees

17. Unless the Tribunal otherwise orders, any legal fees will be fixed in accordance with the provisions of procedural rules on legal fees in force for the time being.

Execution of Judgment

18. A judgment of the Industrial Disputes Tribunal will be carried out in accordance with Order 40 of the Civil Procedure Rules.

Appeals

19. A judgment of the Tribunal may be case stated to the Senior Judge's Court.

Forms/.....

THE ANNUAL HOLIDAYS WITH PAY ORDINANCE

FORM 1 – INDUSTRIAL DISPUTE CLAIM. (Rule 3)

No. of Case:

BEFORE THE INDUSTRIAL DISPUTES TRIBUNAL

Between:
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Claimant

and

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Respondent

The claimant requests the following remedy/remedies:

The grounds on which the claim is based are set out on the back of the claim.

The address for the service of documents to a claimant will be the following:

Date20.....

Signature:

Entered this, 20....

Signature:

Registrar

THE ANNUAL HOLIDAYS WITH PAY ORDINANCE

FORM 2— NOTICE OF APPLICATION OF AN INDUSTRIAL DISPUTE (Rule 5)

No. of Case:

INDUSTRIAL DISPUTES TRIBUNAL

A claim form of an industrial dispute against you is served on you. The procedure for submitting and trying any claim submitted is governed by the Industrial Disputes Tribunal Rules 2007.

You may raise any objection to the claim or part of the claim by entering an appearance to be submitted within 21 days from receiving this notice in accordance with the Industrial Disputes Tribunal Rules, a copy of which is attached.

Where no appearance is entered, you will not be entitled to participate in any proceedings unless you submit an application to extend the time-limit in accordance with the Rules. If you do not enter an appearance a judgment may be passed by default.

During the hearing of a claim, litigants will have the right to attend either personally, or through an attorney at law, or through a union or employers association representative, or through another person with the permission of the Tribunal.

Date: 20

To the respondent

..... (Signature)
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Registrar
Industrial Disputes Tribunal

THE ANNUAL HOLIDAYS WITH PAY ORDINANCE

FORM 3— APPEARANCE DOCUMENT (Rule 5)

No. of Case:

BEFORE THE INDUSTRIAL DISPUTES TRIBUNAL

Between:
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Claimant

and

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Respondent

The respondent enters an appearance in the above claim.

Any reasons on which the claim is denied and any supporting facts are set out on the back of this form.

The service address for the service of documents to the respondent is the following:

Date20.....

Signature:

Entered this, 20....

Signature:

Registrar

THE ANNUAL HOLIDAYS WITH PAY ORDINANCE

FORM 4—NOTICE FOR FIXING A HEARING DATE (Rule 10)

No. of Case:

BEFORE THE INDUSTRIAL DISPUTES

Between:
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Claimant

and

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Respondent

You are notified that the case has been fixed for hearing/instructions on20.....
and at before the Industrial Disputes Tribunal.

Date: 20

To the respondent

..... (Signature)

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Registrar
Industrial Disputes Tribunal

THE ANNUAL HOLIDAYS WITH PAY ORDINANCE

FORM 5 – MEMORANDUM (P.R. 17(2))

BEFORE THE SUPREME COURT

No. of Case of Industrial Disputes Tribunal:
Memorandum of the President/Judge of the Industrial Disputes Tribunal on the above case.

The decision of the Industrial Disputes Tribunal was delivered on 20.. .

1. The subject of the application was the following:
2. The outcome of the case was the following:
3. The facts ascertained by the Court were:
4. The legal arguments of the applicant were:
5. The legal arguments of the respondent were:
6. The decision was based on the following:

By an application dated the applicant / respondent requested that the following legal issues are brought before the Supreme Court:

The Court brings forward the following legal issues to be resolved by the Supreme Court:

Date: 20...

Signature:

President/Judge of the Industrial
Disputes Tribunal Court

THE ANNUAL HOLIDAYS WITH PAY ORDINANCE

FORM 6 – INTERIM APPLICATION (Rule 15)

No. of Case:

BEFORE THE INDUSTRIAL DISPUTES TRIBUNAL

Between:
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Claimant

and

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Respondent

1. Remedy requested.
2. Facts on which an application is based (state briefly).
3. Legal grounds for the application (Determine the sections of the Ordinance or the Rule on which an application is based).

Note: Note that the respondent may raise an objection within 7 days.

To: Date: 20....
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Signature:

Entered this 20.....

Signature:

(Registrar)

THE ANNUAL HOLIDAYS WITH PAY ORDINANCE

FORM 7— OBJECTION TO AN INTERIM APPLICATION (Rule 15)

No. of Case:

BEFORE THE INDUSTRIAL DISPUTES TRIBUNAL

Between:
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Claimant

and

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Respondent

1. Objection to an interim application of a claimant dated 20....
2. Reasons on which the objection is based (state briefly).
3. Legal grounds for the objection (Determine the sections of the Ordinance or the Rule on which an objection is based).

Note: Note that the respondent may raise an objection within 7 days.

To: Date: 20....
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Signature:

Entered this 20....

Signature:

(Registrar)

Dated this 1st day of May 2007.

By the Administrator's Command,
P. D. Draycott,
Chief Officer,
Sovereign Base Areas.

(SBA/AG/2/CT/135/2)

Notes

- (a) Ordinance 10/73.
- (b) Cap. 6, Statute Laws of Cyprus.
- (c) Ordinance 3/60.

EXPLANATORY NOTES

(This note is not part of the Rules)

Introduction

1. These explanatory notes relate to the Industrial Disputes (Tribunal) Rules 2007. They have been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Rules. They do not form part of the Rules.
2. The notes need to be read in conjunction with the Rules. They are not, and are not meant to be, a comprehensive description of the Rules. When a section or part of a section does not seem to require any explanation or comment, none is given.

The Rules

3. The Rules are made pursuant to the Annual Holiday and Pay Ordinance 1973, and establish rules of procedure for proceedings brought before the Industrial Disputes Tribunal.
4. The time limit for bringing a claim is within 3 months of the act complained of (rule 4 (1) (a)). A claim may be brought after this period with the permission of the Tribunal (rule 4 (1) (b)).
5. If a respondent wishes to contest the claim, he must lodge his response within 21 days of receiving the claim, unless the Tribunal grants an extension (rule 6).
6. Any party who wishes to call a witness at the hearing must serve on the other party a copy of the witnesses statement at least 7 days prior to the date of the hearing (rule 8 (2)).