



STATUTORY INSTRUMENTS.

S.I. No. 12 of 2007

CIRCUIT COURT RULES (INDUSTRIAL RELATIONS ACTS) 2007

(Prn. A7/0016)

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CIRCUIT COURT RULES (INDUSTRIAL RELATIONS ACTS) 2007

We, the Circuit Court Rules Committee, constituted pursuant to the provisions of section 69 of the Courts of Justice Act 1936, and section 12 of the Courts of Justice Act 1947, by virtue of the powers conferred on us by section 66 of the Courts of Justice Act 1924 and section 70 of the Courts of Justice Act 1936, (as applied by section 48 of the Courts (Supplemental Provisions) Act 1961) and section 27 of the Courts (Supplemental Provisions) Act 1961, and of all other powers enabling us in this behalf, do hereby, with the concurrence of the Minister for Justice, Equality and Law Reform, make the annexed Rules of Court.

Dated this 12th day of December 2006.

Signed: MATTHEW DEERY.

(Chairman of the Circuit Court Rules Committee)

PATRICK HUNT
GERARD J. DOHERTY
SUSAN RYAN (Secretary)

FERGAL FOLEY
NOEL RUBOTHAM

I concur in the making of the above Rules of Court.

Dated this 16th day of January 2007.

Signed: MICHAEL McDOWELL.

Minister for Justice, Equality and Law Reform.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 26th January 2007.*

S.I. No. 12 of 2007

CIRCUIT COURT RULES (INDUSTRIAL RELATIONS ACTS) 2007

1. These Rules, which may be cited as the Circuit Court Rules (Industrial Relations Acts) 2007, shall come into operation on the 13th day of February 2007.
2. These Rules shall be construed together with the Circuit Court Rules 2001.
3. Order 57 of the Circuit Court Rules is amended by the insertion immediately following Rule 10 of the following rule—

**“Rule 11 — Industrial Relations (Amendment) Act 2001
Industrial Relations (Miscellaneous Provisions) Act
2004**

11. (1) In this Rule—

“the Act of 2001” means the Industrial Relations (Amendment) Act 2001 (No. 11 of 2001);

“the Act of 2004” means the Industrial Relations (Miscellaneous Provisions) Act 2004 (No. 4 of 2004);

“a decision of a rights commissioner” means a decision given by a rights commissioner in accordance with Section 9(4) of the Act of 2004, and

“a determination of the Labour Court” means a determination made by the Labour Court in accordance with Section 6 of the Act of 2001 or in accordance with Section 10(1) of the Act of 2004.

(2) All applications by a trade union or excepted body under Section 10 of the Act of 2001 (as amended by Section 4 of the Act of 2004) for enforcement of a determination of the Labour Court and all applications by the employee concerned or, with the consent of the employee, by any trade union or excepted body of which the employee is a member, under Section 13 of the Act of 2004, for enforcement of a decision of a rights commissioner or enforcement of a determination of the Labour Court shall be made by way of Motion on Notice in accordance with Form 36I of the Schedule of Forms. The Notice shall name the applicant as Plaintiff and the employer or employers in question as Defendant. The Notice shall set out the grounds upon which the Plaintiff relies for the reliefs sought and shall have annexed thereto the original decision of the rights commissioner or the original determination of the Labour Court as the case may be, or a certified copy of same, certified by or on behalf of the Plaintiff as being a true copy of the decision received from

the rights commissioner or of the determination received from the Labour Court and sought to be enforced. The Notice shall state the date on which the decision of the rights commissioner or the determination of the Labour Court was communicated to the Plaintiff.

(3) Applications shall be brought in the County where the Defendant or one of the Defendants ordinarily resides or carries on any profession, trade or business, or in which the principal office of the Defendant or one of the Defendants is situate.

(4) Notice of every application shall be given to the employer or employers in question and to the rights commissioner or the Labour Court as the case may be, by serving notice of the proceedings (including the Notice of Motion and grounding Affidavits, if any) no later than 10 days prior to the return date specified in the Notice of Motion, in the case of the employer or employers personally in accordance with the provisions of Order 11 of these Rules, or by leaving a true copy of same at the employer's residence or place of business or by pre-paid registered post to the employer's residence or place of business and, in the case of the rights commissioner, personally in accordance with the provisions of Order 11 of these Rules, or by leaving a true copy of same at the rights commissioner's residence or place of business or by pre-paid registered post to the rights commissioner's residence or place of business or, in the case of the Labour Court, by leaving a true copy of same at the Labour Court.

(5) Save by leave of the Court, all applications under Section 10 of the Act of 2001 and Section 13 of the Act of 2004 shall be heard upon Affidavit verifying the matters referred to in section 10(1) of the Act of 2001 or section 13(1) of the Act of 2004, as the case may be.

(6) The Court may make such Orders as to costs as it deems appropriate including an Order measuring the costs."

4. The Form annexed hereto shall be inserted in the Schedule of Forms annexed to the Circuit Court Rules as Form 36I.

FORM 36I

AN CHÚIRT CHUARDA
THE CIRCUIT COURT

CIRCUIT

COUNTY OF

* [IN THE MATTER OF SECTION 10 OF THE INDUSTRIAL
RELATIONS (AMENDMENT) ACT 2001]

*[IN THE MATTER OF SECTION 13 OF THE INDUSTRIAL
RELATIONS (MISCELLANEOUS PROVISIONS) ACT 2004]

NOTICE OF MOTION FOR RELIEF

BETWEEN

Plaintiff

AND

Defendant

Take notice that application will be made to the Court on the
day of or the next opportunity thereafter for the following reliefs:

[Here insert details of the relief sought by way of enforcement.]

And further take notice that the said application will be grounded upon:

1. [Here insert the grounds upon which the Plaintiff is relying for the reliefs sought, to include all facts relevant to the alleged failure to carry out the decision or to carry out in accordance with its terms a decision or determination concerned and whether or not an appeal has been brought from a decision or determination concerned and, if no such appeal has been brought, that the time for appeal has elapsed and, if such appeal has been brought, the date upon which Notice of Appeal was given and evidence of abandonment thereof.]

2. [Here insert basis of jurisdiction.]

3. [Here insert name, address and description of the Plaintiff.]

4. [Insert the date on which the decision of the rights commissioner or determination of the Labour Court was communicated to the Plaintiff.]

5. [The following documents must be annexed to this Notice of Motion namely the original decision of the rights commissioner or, as the case may be, the original determination of the Labour Court, or a copy of same, certified by the Plaintiff as being a true copy of the decision received from the rights commissioner or determination received from the Labour Court and sought to be enforced.]

Dated the day of

Signed.....
Plaintiff/Solicitor for the Plaintiff

To:.....
The Defendant/Solicitor for the Defendant

And
To: The Labour Court/..... rights commissioner

And
To: The County Registrar

*insert as appropriate

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These rules prescribe Circuit Court procedures in respect of enforcement of a decision of a rights commissioner and enforcement of a determination of the Labour Court under the Industrial Relations (Amendment) Act 2001 (No. 11 of 2001) as amended and the Industrial Relations (Miscellaneous Provisions) Act 2004 (No. 4 of 2004).

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHAN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2
nó tríd an bpost ó
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,
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