

STATUTORY INSTRUMENT

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THE REGULATION OF WAGES AND INDUSTRIAL
RELATIONS ACT, 1971
(Act No. 18 of 1971)

THE HIGH COURT (INDUSTRIAL COURT DIVISION)
(PROCEDURE) RULES, 2000

Short title.

WHEREAS by section 132 (2) of the Constitution, the High Court has jurisdiction to determine any matter relating to industrial and labour disputes;

AND WHEREAS by section 131 (3) the High Court shall have such Divisions consisting of such number of Judges respectively as may be assigned thereto by the Chief Justice;

AND WHEREAS it is desirable to constitute an Industrial Court Division of the High Court and adapt the Rules of the High Court for the purposes of Part III of the Regulation of Wages and Industrial Relations Act, 1971;

NOW, THEREFORE, in exercise of the powers conferred upon him by section 44 of the Regulation of Wages and Industrial Relations Act, 1971, The Chief Justice hereby makes the following Rules:-

PRELIMINARY

1. In these Rules, unless the context otherwise requires— Interpretation.

“Court” means the Industrial Court Division of the High Court established by Rule 2;

"Minister" means the Minister responsible for industrial relations;

"Registrar" means the Master and Registrar of the High Court.

COMPOSITION OF INDUSTRIAL COURT

Establishment of Industrial Court Division.

2. There is hereby established the Industrial Court Division of the High Court.

Composition of Court.

3. The Court shall consist of a Judge alone or a judge with the two assessors referred to in subsection (3) of section 34 of the Act.

Adaptation of procedure and powers of High Court.

4. (1) Subject to section 41 of the Act, the procedure and practice in force in the High Court shall apply with such modification, adaptation and exception as are necessary to give effect to these Rules.

(2) In the exercise of his function in the Court, a Judge has the powers, privileges, immunities and protection vested in or accorded to any other Judge of the High Court by law.

COMMENCEMENT OF PROCEEDINGS

Commencement of proceedings.

5. (1) Proceedings before the Court shall commence upon the reference of a trade dispute to the Court by either the Minister or a Trade Group Council.

(2) A reference under paragraph (1) shall be in writing addressed to the Registrar and shall state—

- (a) the date and by whom it is made;
- (b) the names, addresses and other particulars of the parties to the dispute, and
- (c) a brief description of the dispute.

SUMMONS TO PARTIES

6. (1) Upon receiving a reference under rule 5, the Registrar shall prepare a summons in the Form 1, prescribed in the Schedule, and shall attach thereto a copy of the reference. Summons to parties.

(2) A summons under paragraph (1), shall be signed by the Judge or by the Registrar, if authorised in that behalf by the Judge, and shall be directed to the parties to the dispute ordering them to appear at a certain time, being not less than fourteen days from the date of service of the summons and at a certain place before the Court to answer to the summons and the absence of a party shall not stop the Court from proceeding to hear and determine the dispute if the absent party had been served with the summons to appear. *

7. (1) Service of summons shall be by a bailiff or some other officer of the Court and shall be effected by delivering a certified copy— Service of summons.

(a) if on an individual, to him personally;

(b) if on a firm or corporation—

(i) to one of the partners; or

(ii) to a Director; or

(iii) to the Secretary; or

(iv) by leaving it at the principal place of business in Sierra Leone of the firm or corporation; or

(v) to any person having, at the time of service, apparent control of the business or management of the firm or corporation.

(2) Where a party acts by a legal practitioner, any document, notice or other process may be served upon the legal practitioner by delivery to him or by sending it to him by registered post. *

(3) Service of any process may be proved either by production of a copy of the document served bearing an acknowledgement of the service signed by the person on whom it was served or by affidavit, duly sworn by the person who effected the service.

HEARING OF DISPUTE

Hearing of dispute.

* 8. (1) On the day fixed for the hearing of the dispute, if one party is absent, the party present may prove his case so far as the burden of proof lies on him. *025 R 10* *041 R 1*

025 R 10

(2) Any determination or award obtained where a party does not appear may, upon an application being made within six days of such determination or award or within such longer time as the Court may allow, be set aside by the Court upon such terms as it may consider just.

* (3) The Court may, if it thinks it expedient in the interests of justice, postpone or adjourn a hearing for such time and to such place and upon such terms, if any, as the Court thinks fit.

(4) The proceedings of the Court or any part thereof may be conducted in private.

(5) The Court may, after hearing the parties, make its determination and award in open Court on the day on which the hearing ends but may reserve the determination and award to another day.

See sub (2) of 8

(6) An award of the Court shall be in writing signed by the Judge who shall cause copies of the award to be sent to the parties and to the Minister.

(7) The Registrar shall keep an awards book into which he shall enter the records of all awards of the Court which shall be signed by the Judge.

Amendments.

9. The Court may, at any time before the determination of any trade dispute—

- (a) amend any defect or error in any proceedings and make all necessary amendments for the purpose of determining the real question or issue raised by or depending on the proceedings; and
- (b) allow the amendment of any proceedings on such terms as the Court thinks just.

EVIDENCE AND SUMMONS TO WITNESSES

10. (1) The Court shall not be bound by the rules of evidence in civil or criminal proceedings but may, for the purpose of determining any dispute, order any person to furnish, in writing or otherwise, such particulars in relation to such matters as the Court may require, and where necessary to attend before the Court and give evidence or otherwise, and may require the production of documents, so as to elicit all such information as, in the circumstances, may be considered necessary. Evidence and summoning of witnesses *

(2) Any of the parties to a trade dispute may apply for and obtain from the Registrar a summons for the attendance of witnesses in the Form 2 prescribed in the Schedule, with or without an order for the production of books, deed, papers or other documents in the possession or control of the persons summoned:

Provided that the Registrar may, before issuing any summons, require the applicant to deposit a sum of money sufficient to cover the travelling expenses of the person summoned to and from the place of hearing or give security for the payment of such expenses.

(3) Any summons under this Rule shall be served in the manner provided for the service of other process of the High Court.

GENERAL

11. The Court may, either before or after the expiry of any time fixed by these Rules for doing any act or taking any proceeding, enlarge or abridge such time upon such terms, if any, as the justice of the case may require. Power to enlarge and abridge time.

SCHEDULE

FORM 1

SUMMONS TO PARTIES

In the Industrial Court
Division, Freetown.

No.....No.....2000

Trade Dispute
Between

.....

and

.....

You are hereby commanded to
attend this Court at.....
on theday of2000
at.....o'clock in the forenoon
for the hearing and determination of
the Trade Dispute referred to this
Court, particulars of which are
attached hereto.

Issued at.....the
.....day of.....2000.

Take notice that if you fail to attend
at the hearing of the dispute or at any
continuation or adjournment thereof,
the Court may proceed to hear and
determine the dispute in your absence.

FORM 1

SUMMONS TO PARTIES

In the Industrial Court
Division, Freetown.

No.....No.....2000

Trade Dispute
Between

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and

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You are hereby commanded to
attend this Court at.....
on theday of2000
at.....o'clock in the forenoon
for the hearing and determination of
the Trade Dispute referred to this
Court, particulars of which are
attached hereto.

Issued at.....the
.....day of.....2000.

Take notice that if you fail to attend
at the hearing of the dispute or at any
continuation or adjournment thereof,
the Court may proceed to hear and
determine the dispute in your absence.

FORM 2

SUBPOENA

In the Industrial Court Division, Freetown

TRADE DISPUTE

No..... Dispute No.....2000

.....

Subpoena.....

of.....

As Witness(es) for

.....

Date of Attendance

.....
Date of Issue.....

FORM 2

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SUBPOENA

In the Industrial Court Division, Freetown

TRADE DISPUTE

No..... Dispute No.....2000

.....

and

To.....of.....

You are hereby commanded to attend
in person before this Court at.....
on the.....

day of2000 at.....
o'clock in the forenoon and so from
day to day till the above dispute be
heard to *testify all that you know in
the said dispute

*produce the several documents
specified hereunder.

You are hereby summoned at the
instance of.....

Issued at..... this.....
day of2000

*List of documents

MADE this 9th day of August, 2000.

DESMOND E. LUKE,
Chief Justice.