

INDUSTRIAL COURT PROCEDURE RULES 2015

PRACTICE DIRECTION 3

NO. 2 OF 2017

WARNING OF EX PARTE TRIAL OR HEARING

1. Introduction

1.1 This Practice Direction:

- (a) is made pursuant to Rule 10(3) of the Industrial Court (Procedure) Rules 2015.
- (b) recognizes the judgment of Eastern Caribbean Court of Appeal delivered in May 2017, effectively holding that the provisions of Section 7(1) and Section 11 of the Industrial Court Act preclude the entry of Default Judgments.
- (c) supersedes Practice Directions 1 (No. 1 of 2016)
- (d) supplements Rule 17 of the Industrial Court (Procedure) 2015
- (e) is in furtherance of the main purpose of the Rules generally and, in particular, the principles of natural justice.

2. Direction

- 2.1 Instead of the "Warning of Judgment in Default" as directed in Practice Direction 1, each Memorandum of Claim or Employee's Memorandum filed under Rule 17 must be indorsed at the foot or end thereof with a Notice in the following terms.

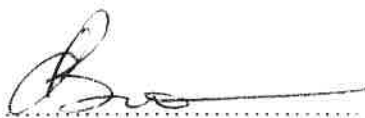
WARNING OF TRIAL OR HEARING IN YOUR ABSENCE

TAKE NOTICE THAT IF YOU FAIL TO FILE AND SERVE A MEMORANDUM OF DEFENCE OR EMPLOYER'S MEMORANDUM AND WITNESS STATEMENTS IN ACCORDANCE WITH THE INDUSTRIAL COURT (PROCEDURE) RULES 2015, THE COURT MAY HEAR AND DETERMINE THE EMPLOYEE'S COMPLAINT IN YOUR ABSENCE.

3. Effective Date

- 3.1 This Practice Direction will come into effect upon its publication in the Official Gazette.

Dated the 03rd day of October, 2017



Charlesworth O.D. Brown
President