

TRADE DISPUTES ACT

SUBSIDIARY LEGISLATION

NATIONAL INDUSTRIAL COURT RULES

ARRANGEMENT OF RULES

RULE	PAGE
1. Short title	TDS – 2
2. Interpretation	TDS – 2
3. Application	TDS – 2
4. Enlargement of time and departure from Rules	TDS – 2
5. Registry	TDS – 2
6. Hours of opening to public	TDS – 3
7. Sessions	TDS – 3
8. Notification of sittings	TDS – 3
9. Adjournments	TDS – 3
10. Chief Registrar	TDS – 3
11. Seal of the Court	TDS – 3
12. Powers of Chief Registrar	TDS – 3
13. Commencement of proceedings in cases of first instance, etc.	TDS – 3
14. Joinder of parties	TDS – 4
15. Interlocutory applications	TDS – 4
16. Directions	TDS – 4
17. Interim orders	TDS – 4
18. Attendance of witnesses and production of documents	TDS – 5
19. Oaths	TDS – 5
20. Oral hearings	TDS – 5
21. Discontinuance of cases	TDS – 5
22. Default by parties	TDS – 5
23. Conciliation	TDS – 6
24. Judgment of the Court	TDS – 6
25. Order and enforcement of judgments	TDS – 6
26. Review of Court's decision and corrections of errors	TDS – 6
27. Costs	TDS – 6
28. Service of documents	TDS – 7
29. Rules of evidence	TDS – 7
30. Supplementary	TDS – 7
31. Fees	TDS – 7

SCHEDULE

Schedule: Fees chargeable by the National Industrial Court

NATIONAL INDUSTRIAL COURT RULES

[L.N. 33 of 1979.]

under section 27 (1)

[Commencement: 1st March, 1978]

1. Short title

These Rules may be cited as the National Industrial Court Rules.

2. Interpretation

In these Rules, unless the context otherwise requires—

“the Act” means the Trade Disputes Act;

“Court” means the National Industrial Court established under the Act and constituted under section 19 thereof;

“Chief Registrar” includes the Deputy Chief Registrar, Registrar and any officer of the Court exercising the functions of the Chief Registrar;

“Minister” means the Minister charged with the responsibility for matters relating to the welfare of labour;

“Panel” means the Industrial Arbitration Panel established under the Act;

“President of the Court” means the President of the National Industrial Court.

3. Application

The practice and procedure of the Court shall be as prescribed by these Rules.

4. Enlargement of time and departure from Rules

Failure to comply with any requirements of these Rules shall not invalidate any proceedings unless the Court otherwise directs and the Court may direct a departure from these Rules in any other way when this is required in the interest of justice.

5. Registry

(1) The Registry of the Court is situated at Lagos and except when otherwise expressly provided, all documents and proceedings shall be filed in the Registry, provided that whilst the Court is sitting in any place other than Lagos any documents or proceedings in connection with any matter to be dealt with at such sessions may be filed with the Registrar of the Court at such place.

(2) A document may be filed in the Registry of the Court either by being delivered there by the party or his legal representative or agent or by being sent there by registered post.

6. Hours of opening to public

The Registry of the Court shall, subject to the direction of the President, be open to the public on every day in the year from nine o'clock in the forenoon to two o'clock in the afternoon, except on Saturdays, Sundays or any day declared as a public holiday by the Federal Government.

7. Sessions

Sessions of the Court shall be convened and constituted and the time, venue and forums for all sessions shall be settled in accordance with directions to be given by the President.

8. Notification of sittings

The sittings of the Court and the matters to be disposed of at such sittings shall be notified in such manner as the President may direct.

9. Adjournments

The Court may at any time on application of any party or of its own accord adjourn any proceedings pending before it from time to time and from place to place.

10. Chief Registrar

The Chief Registrar shall have the custody of the records of the Court and shall exercise such other functions as are assigned to him by these Rules.

11. Seal of the Court

Subject to the provisions of these Rules, the seal of the Court and any duplicate thereof shall be kept in the custody of the Chief Registrar and shall not be affixed to any order or other process or to any document without the express authority of the President.

12. Powers of Chief Registrar

(1) The Chief Registrar shall have such powers and duties as are given him by these Rules or such further powers and duties as the President may from time to time direct.

(2) The Chief Registrar may with the approval of the President delegate to any Registrar of the Court any functions required by these Rules to be exercised by the Chief Registrar.

13. Commencement of proceedings in cases of first instance, etc.

(1) A trade dispute to which section 13 of the Act applies shall be commenced by reference from the Minister.

(2) Within fourteen days of the receipt of the reference, the Chief Registrar shall, on the direction of the President, notify the parties of the date of appearance before the Court.

(3) Upon appearance of the parties before the Court in accordance with the preceding rule, the Court may give directions stipulating the time within which the parties shall file their memoranda and other documents upon which they intend to rely for the prosecution or defence of their claim.

14. Joinder of parties

The Court may on the application of any party to the proceedings or of its own motion direct that any person or body not already a party to the proceedings be joined as a party or that any party to the proceedings shall cease to be a party and in either case may give such consequential directions as it considers necessary.

15. Interlocutory applications

(1) Without prejudice to rule 17 of these Rules, an interlocutory application may be made by giving notice in writing to the Court, specifying the direction or order sought.

(2) On receipt of a notice under subrule (1) of this rule, the Chief Registrar shall cause to be served on every other party to the proceedings who appears to him to be concerned in the matter to which the notice relates, and shall notify the applicant and every such party of the arrangements made by the Court for disposing of the application.

(3) Every interlocutory application shall be considered by the President who may—

(a) dispose of it himself; or

(b) refer it to the Court as constituted under section 19 (3) of the Act.

(4) For the hearing of any interlocutory application the Court may sit either in private or in open court.

(5) An application for an interlocutory order shall be by motion by any party entitled in the proceedings in which it is made and shall be supported by an affidavit or affidavits of the facts on which the applicant will rely.

(6) Unless the Court gives special leave to the contrary, there must be at least three clear days between the service of a notice of motion and the day named in the notice for hearing the motion.

16. Directions

Where it appears to the Court that the future conduct of any proceedings would thereby be facilitated, the Court may either of its own motion or on application at any stage of the proceedings appoint a date for the giving of directions as to their future conduct.

17. Interim orders

(1) Subject to subrule (2) of this rule, the Court may, on the application of any party, make as an interim order, any order which it is empowered to make under the Act.

(2) Before making an interim order under subrule (1) of this rule, the Court shall take all reasonable steps to ensure that notice, whether or not in writing, of the application for the interim order has been given to the person against whom it is sought and that he is given an opportunity of making representations to the Court in regard to it.

18. Attendance of witnesses and production of documents

The Court may of its own motion or on the application of any party order any person to attend before the Court as a witness or to produce any document.

19. Oaths

The Court may of its own motion require any evidence to be given on oath.

20. Oral hearings

(1) Subject to subrule (2) of this rule, an oral hearing at which any proceedings before the Court are finally disposed of shall take place in public.

(2) The Court may sit in private to hear evidence which in the opinion of the Court—

(a) relates to matters of such a nature that it would be against the interest of national security to allow the evidence to be given in public; or

(b) is likely to consist wholly or in part of information which—

(i) the person giving the evidence could not disclose without contravening a prohibition imposed by or under an enactment; or

(ii) has been communicated to that person in confidence or which he has otherwise obtained in consequence of the confidence reposed in him by another person; or

(iii) relates specifically to an individual, unless he has consented to its being disclosed; or

(iv) would, by its disclosure, be seriously prejudicial to the national interest (though not against national security), or to the interest of an undertaking of the person giving the evidence for reasons other than its effect on collective bargaining; or

(v) has been obtained by the person giving the evidence for the purpose of bringing, prosecuting or defending any legal proceedings.

21. Discontinuance of cases

(1) If before the date fixed for hearing or judgment, any party to the proceedings desires to discontinue his claim or to withdraw any part of his claim, he shall give notice in writing of discontinuance or withdrawal to the Court and to the other party.

(2) The Court shall under subrule (1) of this rule upon any discontinuance or withdrawal make such order or orders as may seem just.

22. Default by parties

(1) If any party to the proceedings has been duly served with notice to appear or he is to the satisfaction of the Court aware of the adjourned date and without reasonable excuse fails to appear, the Court may consider and deal with the matter referred to it in the absence of such party.

(2) If any party to the proceedings fails to comply with an order or direction of the Court, the Court may order that he be debarred from taking any further part in those proceedings until he has complied with such direction or order or may make such other order as the Court thinks just.

23. Conciliation

The Court may encourage parties to the proceedings in respect of cases coming before it in the first instance to reach mutual settlement between themselves; and upon such mutual settlement, if any, the Court shall make such order or orders as seem just.

24. Judgment of the Court

The Court shall deliver its judgment in writing.

25. Order and enforcement of judgments

(1) Every judgment of the Court shall be embodied in an order drawn up by the Chief Registrar and a copy sealed with the seal of the Court shall be delivered by the Chief Registrar to every party to the proceedings to which it relates.

(2) Interlocutory orders shall be prepared in like manner.

(3) Any judgment given by the Court may be enforced by the Court as it may direct.

26. Review of Court's decision and correction of errors

(1) The Court may, either of its own motion or on application by any of the parties to the proceedings, review any order made by it and may, on such a review, revoke or vary that order on the grounds that—

(a) the order was wrongly made as the result of an error on the part of the Court staff;

(b) a party did not receive proper notice of the proceedings leading to the order;

(c) the order was made in the absence of a party entitled to be heard;

(d) new evidence has become available since the making of the order; or

(e) the interest of justice requires such review.

(2) An application under subrule (1) of this rule shall be made within fourteen days of the date of the order.

(3) A clerical mistake or error in any order arising from an accidental slip or omission may at any time be corrected by or on the authority of the Court.

27. Costs

(1) Where it appears to the Court that any person has been guilty of unreasonable delay, or of taking improper, vexatious or unnecessary steps in any proceedings, or of other unreasonable conduct, the Court may make an order for costs or expenses against him.

(2) Where an order is made under subrule (1) of this rule, the Court may direct that the party against whom the order is made shall pay to any other party a lump sum by way of costs or expenses, or such proportion of the costs or expenses as may be just, and in the last-mentioned case may itself assess the sum to be paid or may direct that it be assessed by the Chief Registrar.

28. Service of documents

(1) Any notice or other document required or authorised by these Rules to be served on, or delivered to, any person, may be sent to him by registered post or left at his address for service or, where no address for service has been given, at his registered office, principal place of business or last known address, and any notice or other document required or authorised to be served on, or delivered to, the Court, may be sent by registered post or delivered to the Chief Registrar.

(2) A document served by post shall be assumed, in the absence of evidence to the contrary, to have been delivered in the normal course of post.

(3) The Court may direct that service of any document be dispensed with or be effected otherwise than in the manner prescribed by these Rules.

29. Rules of evidence

The Court may inform itself on any matter relating to the rules of evidence but shall not be bound by them.

30. Supplementary

These Rules shall be read in conjunction with section 35 of the Act.

31. Fees

The fees chargeable by the Court shall be as prescribed in the Schedule to these Rules.

SCHEDULE

Fees chargeable by the National Industrial Court

Applications, affidavits, judgments and orders

	₤ k
1. On filing an application	3 00
2. On filing an affidavit	0 75
3. On filing any other paper	0 75
4. For the drawing up of any order or judgment	4 50

Miscellaneous

5. For preparing a copy where authorised: per folio of 72 words or part thereof	0 20
6. For every subpoena	1 00
7. For marking any paper annexed to an affidavit or declaration	0 50
8. For certifying a copy as a true copy: per folio of 72 words or part thereof	0 20

SCHEDULE—continued

	N	k
9. For the service of any document or process: the following distance rate—		
(a) if within two kilometres from the Court	0	50
(b) if beyond two kilometres but not beyond eight kilometres		
(i) for the first two kilometres	0	50
(ii) for every subsequent two kilometres or part thereof (one way)	0	25
(c) if beyond eight kilometres: per day or part thereof of the time needed for travelling	1	50