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TRADE DISPUTES ACT

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TRADE DISPUTES ACT

**An Act to make provisions for the settlement of trade disputes and other matters ancillary thereto.**

[1976 No.7, 2006 No. 37.]

[1st January, 1976]

[Commencement.]

PART I

*Procedure for settling trade disputes*

**1. Preliminary**

(1) Where a trade dispute exists or is apprehended, the provisions of this Part of this Act shall apply in relation to the dispute.

(2) In this Part, unless the context otherwise requires-

"**the dispute**" means the trade dispute in question; and

"**party**" means a party to the dispute.

**2. Exclusion of courts**

(1) Subject to the provisions of subsection (3) of section 21 of this Act, no person shall commence an action, the subject matter of a trade dispute or any inter or intra union dispute in a court of law and accordingly, any action which, prior to the commencement of this section is pending in any court shall abate and be null and void.

[1992No.47.]

(2) Notwithstanding the provisions of the Constitution of the Federal Republic of Nigeria 1979, an interim or interlocutory order, judgement or decision made by any court other than the National Industrial Court established under this Act, in respect of any trade dispute prior to the commencement of this section shall cease to have effect.

[1992No.47.]

(3) A person who contravenes the provisions of subsection (1) of this section commits an offence and is liable on conviction to a fine often thousand naira or to imprisonment for a term of one year or both.

[1992 No. 47.]

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### **3. Obligation to deposit collective agreements with the Minister**

(1) Where there exists any collective agreement for the settlement of a trade dispute, at least three copies of the said agreement shall be deposited by the parties thereto with the Minister-

[1988 No. 39, 1977 No. 54.]

(a) in the case of a collective agreement entered into on or after the date of commencement of this Act, within thirty days of that; and

(b) in the case of a collective agreement entered into on or after the date of commencement of this Act, within fourteen days of the execution thereof, and any person who fails to deposit copies of the said agreement within the period prescribed in the foregoing provisions of this subsection, shall be guilty of an offence under this Act and shall, on conviction be liable to a fine of ₦100.

(2) Where, before the commencement of this Act, a collective agreement has been deposited with the Minister pursuant to the provisions of any enactment repealed by this Act, that agreement shall be deemed to have been deposited in accordance with subsection (1) of this section.

(3) Subject to the provisions of this Act, the Minister may, upon receipt of copies of a collective agreement deposited in accordance with subsection (1) of this section, make an order, the terms of which may in respect of that agreement specify that the provisions of the agreement or any part thereof as may be stated in the order shall, be binding on the employers and workers to whom they relate.

(4) If any person fails to comply with the terms of the said order he shall be guilty of an offence and be liable on conviction to a fine of ₦100 or to imprisonment for a term of six months.

### **4. Procedure before dispute is reported**

(1) If there exists agreed means for settlement of the dispute apart from this Act, whether by virtue of the provisions of any agreement between organisations representing the interests of employers and organisation of workers or any other agreement, the parties to the dispute shall first attempt to settle it by that means.

(2) If the attempt to settle the dispute as provided in subsection (1) of this section fails, or if no such agreed means of settlement as are mentioned in that subsection exists, the parties shall within seven days of the failure (or, if no such means exists, within seven days of the date on which the dispute arises or is first apprehended) meet together by themselves or their representatives, under the presidency of a mediator mutually agreed upon and appointed by or on behalf of the parties, with a view to the amicable settlement of the dispute.

### **5. Apprehension of trade dispute by the Minister**

(1) Notwithstanding the foregoing provisions of this Act, where a trade dispute is apprehended by the Minister he may in writing inform the parties or their representative of his apprehension and of the steps he proposes to take for the purpose of resolving the dispute.

[1977 No. 54.]

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- (2) Such steps as the Minister may, pursuant to this section, take may include-
- (a) the appointment of a conciliator under section 8 of this Act; or
  - (b) a reference of the dispute or any matter relating thereto for settlement to the Industrial Arbitration Panel under section 9 of this Act; or
  - (c) a reference of the dispute to a board of inquiry under section 33 of this Act.

#### **6. Reporting of dispute if not amicably settled**

(1) If within seven days of the date on which a mediator is appointed in accordance with section 4 (2) of this Act the dispute is not settled, the dispute shall be reported to the Minister by or on behalf of either of the parties within three days of the end of the seven days.

[1988 No. 39.]

(2) A report under this section shall be in writing and shall record the points on which the parties disagree and describe the steps already taken by the parties to reach a settlement.

#### **7. Notice requiring compliance with sections 4 and 6**

(1) The Minister shall, if not satisfied that the requirements of sections 4 and 6 of this Act have been substantially complied with, issue to the parties a notice in writing specifying the steps which must be taken to satisfy those requirements and may specify in the notice the time within which any particular steps must be taken.

(2) Where after the expiration of the period specified in the notice issued under subsection (1) above or, if no period is specified, after the expiration of fourteen days following the date the notice is issued, the dispute remains unsettled and the Minister is satisfied-

- (a) that the steps specified in the notice have been taken; or
- (b) that either party is, for its part, refusing to take those steps or any of them,

the Minister may proceed to exercise such of his powers under section 8, 9, 17 or 33 of this Act as may appear to him appropriate.

#### **8. Appointment of conciliator, etc.**

(1) The Minister may for the purposes of section 7 of this Act appoint a fit person to act as conciliator for the purpose of effecting a settlement of the dispute.

(2) The person appointed as conciliator under this section shall inquire into the causes and circumstances of the dispute and by negotiation with the parties endeavour to bring about a settlement.

(3) If a settlement of this dispute is reached within seven days of his appointment, the person appointed as conciliator shall report the fact to the Minister and shall forward to him a memorandum of the terms of the settlement signed by the representative of the parties, and as from the date on which the memorandum is signed (or such earlier or later date as may be specified therein), the terms recorded therein shall be binding on the employers and workers to whom those terms relate.

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(4) if any person does any act in breach of the terms of a settlement contained in the memorandum signed pursuant to subsection (3) of this section, he shall be guilty of an offence and liable on conviction-

- (a) in the case of a worker or a trade union, to a fine of ~~N~~200; and
- (b) in the case of an employer or an organisation representing employers, to a fine of ~~N~~2,000

(5) If a settlement of the dispute is not reached within seven days of his appointment, or if, after attempting negotiation with the parties, he is satisfied that he will not be able to bring about a settlement by means thereof, the person appointed as conciliator shall forthwith report the fact to the Minister.

#### **9. Reference of dispute to arbitration tribunal if conciliation fails**

(1) Within fourteen days of the receipt by him of a report under section 6 of this Act, the Minister shall refer the dispute for settlement to the Industrial Arbitration Panel established under this section.

(2) The Industrial Arbitration Panel (in this section referred to as "the Panel") shall consist of a chairman, a vice-chairman and not less than ten other members all of whom shall be appointed by the Minister so however that of the ten other members-

- (a) two shall be persons nominated by organisations appearing to the Minister as representing the interests of employers; and
- (b) two shall be persons nominated by organisations appearing to the Minister as representing the interests of workers.

(3) For the purpose of the settlement of any dispute referred to the Panel by the Minister, the chairman of the Panel shall constitute an arbitration tribunal in accordance with whichever of paragraphs (a), (b) and (c) of subsection (4) of this section appears to him to be appropriate having regard to the subject-matter of the dispute and the means by which an attempt to settle the dispute was made in pursuance of the foregoing provisions of this Act.

(4) An arbitration tribunal may consist of-

- (a) a sole arbitrator selected from among the members of the Panel by the chairman; or
- (b) a single arbitrator selected from among the members of the Panel by the chairman and assisted by assessors appointed in accordance with subsection (5) of this section; or
- (c) one or more arbitrators nominated by or on behalf of the employers concerned and an equal number of arbitrators nominated by or on behalf of the workers concerned, all nominations being made from among the members of the Panel, and presided over by the chairman or vice-chairman.

(5) The assessors for an arbitration tribunal which is to consist of a single arbitrator assisted by assessors shall be appointed by the chairman as follows-

- (a) one or more shall be persons nominated by or on behalf of the employers concerned from the panel of employers' representatives drawn up under section 44 of this Act; and

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- (b) an equal number shall be persons nominated by or on behalf of the workers concerned from the panel of workers' representatives drawn up under the said section 44 of this Act:

Provided that if after seven days of being required to do so by the chairman the employers or workers concerned or their representatives fail to make a nomination for the purposes of any appointment falling to be made in accordance with this subsection, the chairman may appoint from the appropriate panel such persons as he thinks fit.

(6) The award of an arbitration tribunal consisting of a single arbitrator assisted by assessors shall be made and issued by the arbitrator only; and if, in the case of an arbitration tribunal consisting of more than one arbitrator, all the members of the tribunal are unable to agree as to their award, the matter shall be decided by a majority of them.

(7) In this section, "**chairman**" means the chairman of the Industrial Arbitration Panel appointed pursuant to section (2) of this section; and functions conferred on the chairman may in the absence of the chairman be exercised by the vice-chairman.

#### **10. Tenure of office of members of the Panel**

The chairman, the vice-chairman and any other member of the Panel shall, unless he previously resigns or is removed from office, hold office for a period of four years in the first instance which may be renewable only for one more term of four years.

[1977 No. 54. 1988 No. 57.]

#### **11. Tenure of office of chairman and members of the Panel**

Subject to the provision of this section, a person holding or appointed to act in the office of the chairman, vice-chairman or who is a member of the Panel shall vacate that office when he attains the age of 65 years:

Provided that the President may permit such a person to continue in his office or appointment for such period as he may think fit after that person has attained the age of 65 years to enable him to make an award, deliver a decision or do any other thing in relation to proceedings that were commenced before him before he attained the age of 65 years.

#### **12. Provisions supplementary to section 9**

(1) The Arbitration and Conciliation Act shall not apply to any proceedings of an arbitration tribunal appointed under section 9 of this Act or to any award made by such a tribunal.

[Cap. A18.]

(2) Where an arbitration tribunal appointed under section 9 of this Act consists of a single arbitrator assisted by assessors and any vacancy occurs in the number of assessors, the chairman of the Industrial Arbitration Panel may either-

- (a) direct the tribunal to act notwithstanding the vacancy; or
- (b) fill the vacancy by appointing another assessor in accordance with section 9 (3) of this Act.

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(3) Where an arbitration tribunal appointed under section 9 of this Act, consists of more than one arbitrator and any vacancy occurs in their number the tribunal may, with the consent of the nominating party, act notwithstanding the vacancy.

(4) An act, proceeding or determination of an arbitration tribunal appointed under section 9 of this Act shall not be questioned on the ground that a member or assessor was not validly appointed or on the ground of any unfilled vacancy authorised by subsection (2) or (3) of this section.

(5) Where a trade dispute referred to an arbitration tribunal under section 9 of this Act involves questions as to wages, hours or work or any other terms or conditions as to affecting employment which are regulated by any statutory provisions, the tribunal shall not make any awards, that are less favourable to the workers concerned than those provisions.

In this subsection, "**statutory provisions**" means provisions contained in any enactment in force in Nigeria or any part thereof, or in any instrument made in the exercise of any power conferred by any such law.

(6) The Minister may, with the approval of the Minister for Finance, pay to any arbitrator or assessor appointed under section 9 of this Act such remuneration as he thinks fit:

Provided that no remuneration, fees or allowances shall be paid to any public officer other than such allowances for expenses as may be expressly authorised for the purposes of this section by the Federal Civil Service Commission or the Civil Service Commission of the State in question, as the case may be.

### **13. Issue of tribunal's awards, and procedure thereon**

(1) An arbitration tribunal constituted under section 9 of this Act-

- (a) shall make its award within 21 days of its constitution or such longer period as the Minister may in any particular case allow; and
- (b) on making its award shall forthwith send a copy thereof to the Minister, and shall not communicate the award to the parties affected.

(2) Subject to subsection (3) of this section, on receipt of a copy of the award of the tribunal the Minister shall immediately cause to be given to the parties or their representatives, and to be published in such other manner (if any) as he thinks fit, a notice-

- (a) setting out the awards;
- (b) specifying the time (not being more than seven days from the publication of the notice) within which the manner in which notice of objection to the award may be given to the Minister by or on behalf of either party to the dispute; and
- (c) stating that, except where notice of objection to the award is given within the time and in the manner so specified by one or both of the parties, the award will be confirmed by the Minister.

(3) Where on the receipt of an award of the tribunal the Minister considers it desirable to do so he may refer the award back to the tribunal for reconsideration and shall not exercise his power under subsection (2) of this section until the award has been reconsidered by the tribunal.



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(4) If no notice of objection to the award of the tribunal is given to the Minister within the time and in the manner specified in the notice under subsection (2) of this section, the Minister shall publish in the Federal *Gazette* a notice confirming the award and the award shall be binding on the employers and workers to whom it relates as from the date of the award (or such earlier or later date as may be specified in the award).

#### **14. Reference of dispute to National Industrial Court if tribunal's award is objected to**

(1) If notice of objection to the award of an arbitration tribunal appointed under section 9 of this Act is given to the Minister within the time and in the manner specified in the notice under section 13 (2) of this Act, the Minister shall forthwith refer the dispute to the National Industrial Court established by this Act.

[1977 No. 54.]

(2) The award of the National Industrial Court shall be binding on the employers and workers to whom it relates-

- (a) as from the date of the award or such date as may be specified in the order; or
- (b) where, subject to subsection (3) of section 21, there is an appeal on the question of fundamental rights as contained in Chapter IV of the Constitution of the Federal Republic of Nigeria as from the date of the determination of the appeal.

[1992 No. 47.]

(3) In so far as the terms and conditions of employment to be observed by an employer in accordance with any award made by the National Industrial Court under this section are more favourable than any statutory provisions affecting the terms and conditions of employment of the workers concerned, the award shall prevail.

In this subsection, "**statutory provisions**" means provision contained in any written law in force in Nigeria or any part thereof, or any instrument made in the exercise of any power conferred by any such law.

(4) Any person who fails to comply with an award of a tribunal as confirmed by the Minister pursuant to this section shall be guilty of an offence and shall be liable on conviction-

- (a) in the case of an individual, to a fine of ₦200 or imprisonment for a term of six months; and
- (b) in the case of a body corporate, to a fine of ₦2,000.

(5) Any person who after conviction in respect of an offence under subsection (4) of this section continues to fail to comply with an award as mentioned therein shall be guilty of a further offence and shall be liable on conviction to a fine of ₦200 or ₦2,000, as the case may be, for each day on which the offence continues.

(6) Where an offence under this section by a body corporate is found to have been committed with the consent or connivance of, or attributable to any act or default on the part of any person in apparent control of the body corporate, the person or persons in apparent control and the body corporate shall be deemed to have committed the offence.

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## **15. Interpretation of award of arbitration tribunal or National Industrial Court**

(1) If after an award of-

- (a) an arbitration tribunal appointed under section 9 of this Act; or
- (b) the National Industrial Court,

has become binding on the employers and workers to whom it relates, any question arises as to the interpretation of the award, the Minister or any party to the award may make an application to the National Industrial Court for a decision on that question.

(2) On an application under this section, the National Industrial Court shall decide the matter after hearing the parties to the award or, with the prior consent of the parties, without hearing them; and the decision of the Court, which, subject to subsection (3) of section 21, shall be final, and shall be deemed to form part of the original award and shall have effect accordingly.

[1992 No. 47.]

## **16. Interpretation of agreements**

(1) Notwithstanding anything in the foregoing provisions of this Act, the Minister or any party to a collective agreement may make an application to the National Industrial Court for a decision of that Court as to the interpretation of any term or provision of the collective agreement.

(2) On an application under this section the Court shall decide the matter after hearing the Minister or, as the case may be, the parties to the collective agreement, or with the consent of the Minister or the parties, without hearing them; and the decision of the Court shall be final and conclusive with respect to the interpretation of the term or provision of the collective agreement concerned.

## **17. Direct reference to National Industrial Court in certain special cases**

If in the case of any trade dispute of which he has received a report under section 6 of this Act it appears to the Minister-

- (a) that the dispute is one to which workers employed in any essential service are a party; or
- (b) that in the circumstances of the case reference of the dispute to an arbitration tribunal would not be appropriate,

then, within seven days of the receipt by him of a report under section 8 (5) of this Act, the Minister shall refer the dispute directly to the National Industrial Court.

## **18. Prohibition of lock-outs and strikes before issue of award of National Industrial Court**

(1) An employer shall not declare or take part in a lock-out and a worker shall not take part in a strike in connection with any trade dispute where-

- (a) the procedure specified in section 4 or 6 of this Act has not been complied with in relation to the dispute; or
- (b) a conciliator has been appointed under section 8 of this Act for the purpose of effecting a settlement of the dispute; or

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- (c) the dispute has been referred for settlement to the Industrial Arbitration Panel under section 9 of this Act; or
  - (d) an award by an arbitration tribunal has become binding under section 13 (3) of this Act; or
  - (e) the dispute has subsequently been referred to the National Industrial Court under section 14 (1) or 17 of this Act; or
  - (f) the National Industrial Court has issued an award on the reference.

(2) Any person who contravenes subsection (1) of this section shall be guilty of an offence and be liable on conviction-

- (a) in the case of an individual, to a fine of ₦100 or to imprisonment for a term of six months;
- (b) in the case of a body corporate, to a fine of ₦1,000.

(3) It is hereby declared that where a dispute is settled under the foregoing provisions of this Act either by agreement or by the acceptance of an award made by an arbitration tribunal under section 13 of this Act, that dispute shall be deemed for the purposes of this Act to have ended; and accordingly any further trade dispute involving the same matters (including a trade dispute as to the interpretation of an award made as aforesaid by which the original dispute was settled) shall be treated for the purposes of this section as a different trade dispute.

### **19. Prohibition of grant of general wage increase**

(1) No employer shall grant a general or percentage wage increase to any group of employees without the approval of the Minister.

(2) Any employer who contravenes subsection (1) of this section shall be guilty of an offence and shall on conviction be liable-

- (a) in the case of an individual, to imprisonment for a term of three years; and
- (b) in the case of a body corporate, to a fine of ₦25,000.

(3) A tribunal or court under this Act shall not have power to grant any general or percentage wage increase and shall not have power to approve any such grant unless the approval of the Minister has been obtained as required under subsection (1) of this section.

## **PART II**

### *The National Industrial Court*

[Part II (sections 20 to 32) repealed by 2006 No. 37, s. 53 (1).]

## **PART III**

### *Board of inquiry*

### **33. Power to appoint board of inquiry**

(1) Where any trade dispute exists or is apprehended, the Minister may cause inquiry to be made into the causes and circumstances of the dispute and, if he thinks fit, may refer any matter appearing to him to be connected with or relevant to the dispute to a board

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of inquiry appointed for the purpose by the Minister; and the board shall inquire into the matter referred to it and report thereon to the Minister.

(2) The Minister may refer any other matter connected with industrial conditions in Nigeria to a board of inquiry appointed for the purpose by the Minister; and the board shall inquire into the matter referred to it and report thereon to the Minister.

(3) A board of inquiry appointed under this section shall consist of a chairman and such other persons as the Minister thinks fit to appoint or may, if the Minister thinks fit, consist of one person only.

(4) A board of inquiry consisting of two or more persons may act notwithstanding any vacancy in the number of members.

(5) The Minister may, with the approval of the Minister for Finance, pay to any member of a board of inquiry appointed under this section such remuneration as he thinks fit:

Provided that no remuneration, fees or allowances shall be paid to any public officer other than such allowances for expenses as may be expressly authorised for the purposes of this section by the Civil Service Commission of the Federation or the State in question, as the case may be.

### **34. Report of board of inquiry**

(1) A board of inquiry appointed under section 33 of this Act may, if it thinks fit, make interim reports.

(2) Every report of such a board of inquiry, including any interim report and any minority report, shall be submitted to the Minister.

(3) Subject to subsection (4) of this section, the Minister may cause to be published, at such time or times and in such manner as he thinks fit, any information obtained or conclusions reached by any such board of inquiry in the course of or as a result of its inquiry.

(4) Except with the consent required by this subsection there shall not be included in any report made by such a board of inquiry, or in any publication authorised by the Minister under this section, any information obtained by the board in the course of its inquiry.

(a) with respect to any trade union; or

(b) with respect to any particular business or undertaking, whether carried on by a particular individual, a firm or a company or other body corporate,

being in either case information which is not available otherwise than through evidence given at the inquiry.

(5) The consent required by subsection (4) of this section is, in the case of information with respect to a trade union, consent given on behalf of the union by an official thereof authorised by the union to give that consent and, in the case of information with respect to any business or undertaking, consent given by or on behalf of the individual, firm, company or other body corporate carrying on the business or undertaking.

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(6) If any individual member of a board of inquiry appointed under section 33 of this Act, or any other person concerned in the inquiry, discloses any such information as is mentioned in subsection (4) of this section without the consent required by that subsection, he shall be guilty of an offence and be liable on conviction to a fine of ₦200.

#### PART IV

##### *Supplementary provisions: the National Industrial Court, arbitration tribunals and boards of inquiry*

#### **35. Bodies to which Part IV applies**

This Part of this Act applies to the following bodies, that is to say-

- (a) the National Industrial Court;
- (b) any arbitration tribunal constituted under Part I of this Act; and
- (c) any board of inquiry appointed under Part III of this Act.

#### **36. Powers of such bodies**

(1) For the purpose of dealing with any trade dispute or other matter referred to it under this Act, a body to which this Part of this Act applies may-

- (a) require any person to furnish, in writing or otherwise, such particulars relating to the matter referred to it as the body may require;
- (b) require any person to attend before the body and give evidence, on oath or affirmation or otherwise, with respect to any matter relevant to the matter referred to it;
- (c) compel the production before it of books, papers, documents and other things for the purpose of enabling them to be examined or referred to so far as may be necessary in order to obtain information relevant to the matter referred to the body;
- (d) consider and deal with the matter referred to it in the absence of any party who has been duly summoned or served with a notice to appear;
- (e) admit or exclude the public or the press, or both, from any of its sittings;
- (j) adjourn from time to time; and
- (g) generally give such directions and do all such things as are necessary or expedient for dealing speedily and justly with the matter referred to it.

(2) For the purpose of enforcing any summons, direction or order issued, given or made by virtue of subsection (1) of this section, a body to which this Part of this Act applies, shall have the like powers as are exercisable by the Supreme Court of Nigeria.

(3) If any person, on being required by virtue of this section to furnish any particulars, answer any question or produce any book, paper, document or other thing, objects to doing so on the ground that to do so would tend to incriminate him or on any other lawful ground, he shall not be bound to comply with the requirement and shall not be liable to any punishment for refusing to do so.

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(4) Any person who commits an act of contempt, whether the act is or is not committed in the presence of the members of any such body as aforesaid sitting in the exercise of its functions under this Act, shall be liable on summary conviction before a High Court to a fine of ₦200 or to imprisonment for three months.

**37. Practice and procedure**

(1) Subject to the provisions of this Act, the Chief Justice of Nigeria may make rules as to the practice and procedure to be followed by the National Industrial Court.

(2) The Minister may make regulations regulating the exercise of the functions of any arbitration tribunal constituted under Part I of this Act and any board of inquiry appointed under Part III of this Act.

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(3) Subject to the provisions of this Act and of any rules or regulations made under this section, a body to which this section applies-

- (a) may regulate its procedure and proceedings as it thinks fits, and shall not be bound to act in any formal manner; and
- (b) shall not be bound by any rules of evidence, but may inform itself on any matter in such manner as it thinks just.

### **38. Appearance by legal practitioners**

In any proceedings before the National Industrial Court or an arbitration tribunal constituted under Part I of this Act, either party may appear by a legal practitioner; and in any proceedings before a board of inquiry appointed under Part III of this Act, the board may, at its discretion, permit any interested person to appear before it by a legal practitioner.

### **39. Restriction on publication of report of proceedings**

(1) Where, in the case of any sitting or part of a sitting of a body to which this Part of this Act applies, the press have been admitted thereto, but not otherwise, a fair and accurate report or summary of the proceedings during that sitting or part (including any evidence heard in the course thereof) may be published, but until the award of the Court or tribunal, or the result of the enquiry, has been officially published, no comment shall be published in respect of the proceedings or the evidence.

(2) Any person who contravenes subsection (1) of this section shall be guilty of an offence and be liable on conviction to a fine of ₦200.

## **PART V**

### *Supplementary provisions: application of Act to State trade disputes*

### **40. Application of Act to State trade disputes**

(1) In this section, "**State trade dispute**" means a trade dispute between anyone of the following authorities and workers employed by it, that is to say-

- (a) the Governor of a State;
- (b) a local authority in a State;
- (c) the corporation, council, board or committee established by or under any law (including an edict of the Governor of a State); and
- (d) the proprietor of any school who receives grants in respect of the school out of the public revenue of the State.

(2) This Act applies to a State trade dispute as it applies to other trade disputes with the modifications mentioned in the following subsections of this section.

(3) The Minister may, with the consent of the Governor of a State and in respect of State trade disputes arising in that State, by order published in the Federal *Gazette* delegate either generally or in respect of any particular State trade dispute, his powers under this Act to the appropriate State Commissioner.

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(4) While an order made under subsection (3) of this section is in force-

- (a) the functions of the Minister under this Act shall in the case of a State trade dispute be discharged by the appropriate State Commissioner;
- (b) the appropriate State Commissioner may with the approval of the Commissioner for Finance in the Government of the State, pay to an arbitrator or assessor appointed in any arbitration held under this Act in a State trade dispute such remuneration, if any, as he thinks fit;
- (c) the remuneration, if any, to be paid to persons for acting as assessors in relation to any proceedings before the Court in a State trade dispute shall be determined by the Court and paid out of the Consolidated Revenue Fund of the State concerned;
- (d) a board of enquiry for the purpose of a State trade dispute may be appointed by the Governor of the State concerned and shall be constituted in the same manner as a board of enquiry appointed under section 33 of this Act and shall enquire into the matter or matters referred to it and report thereon to the Governor of the State;
- (e) the said Governor may payout of the Consolidated Revenue Fund of the State to any member of such board such remuneration as he thinks fit;
- (f) no remuneration, fees or allowances shall be paid to any public officer under sub-paragraphs (b), (c) or (d) of this subsection other than such allowances for expenses as are approved for the grade of the officer concerned in the public service to which he belongs;
- (g) the Civil Service Commission of a State may appoint at such remuneration and on such terms and conditions as it may determine such officers and servants as may be necessary for carrying this Act into effect in so far as it relates to State trade disputes;
- (h) any expenses in addition to those mentioned in the preceding sub-paragraphs of this subsection in carrying this Act into effect in relation to State trade disputes shall, in so far as they are approved by the Commissioner for Finance in the Government of that State be paid out of the Consolidated Revenue Fund of the State;
- (i) in the case of State trade disputes the panel of employers' and the panel of workers' representatives to be drawn up from time to time and revised under section 44 of this Act, for the purposes of sections 9 (3), 27 and 28 of this Act, shall be drawn up and revised by the appropriate State Commissioner.

(5) While an order under subsection (3) of this section is in force, the appropriate State Commissioner shall, in respect of every State trade dispute, send to the Minister not later than fourteen days after the dispute is settled or finally disposed of in accordance with this Act, a report setting out the circumstances of the dispute and the manner in which it was finally settled or disposed of.

(6) Nothing in this section shall be construed as preventing the Minister from exercising any power delegated under subsection (3) of this section, but before exercising any such power the Minister shall consult the appropriate State Commissioner.



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(7) In this section-

**"the appropriate State Commissioner"**, in respect of any State, means the Commissioner in the Government of that State charged with responsibility for matters relating to the welfare of labour.

PART VI

*Miscellaneous and general*

**41. Fifteen days' notice to be given by workers in essential services before ceasing work**

(1) Without prejudice to section 18 of this Act, if any worker employed in any essential service ceases, whether alone or in combination with others, to perform the work which he is employed to perform without giving his employer at least fifteen days' notice of his intention to do so, he shall, unless he proves that at the time when he ceased to perform that work he did not know, or had no cause to believe, that the probable consequences of his or their doing so would be to deprive the community or any part of the community either wholly or to a substantial extent of that or any essential service, be guilty of an offence and be liable on conviction to a fine of ₦1 00 or to imprisonment for a term of six months.

(2) If a worker to whom subsection (1) of this section applies is entitled to terminate his contract of employment by giving his employer less than fifteen days' notice, and does in fact give to his employer less than fifteen days notice for that purpose, then-

- (a) he shall be deemed to have given to his employer at the same time in pursuance of subsection (1) of this section, notice that he intends to cease work at the end of the period of fifteen days beginning with the day following that on which he gave the notice; and
- (b) for any period for which he is by virtue of that subsection required to go on working after the termination of his contract of employment he shall be entitled to be paid as if his contract of employment had remained in force until the end of that period.

(3) No proceedings for an offence under this section shall be instituted except by or with the consent of the Attorney-General of the Federation or the Attorney-General of the State in which the offence is alleged to have been committed.

**42. Fifteen days' notice to be given by workers before ceasing work in circumstances involving danger to persons or property**

(1) Without prejudice to section 18 of this Act, if-

- (a) any worker ceases, whether alone or in combination with others, to perform the work which he is employed to perform without giving to his employer at least fifteen days' notice of his intention to do so; and
- (b) at the time when he ceases to perform that work he knows or has reasonable cause to believe that the probable consequence of his or their so doing will be-
  - (i) to endanger human life; or

- 
- (ii) seriously to endanger public health or the health of the inmates of any hospital or similar institution; or
  - (iii) to cause serious bodily injury to any person or persons; or
  - (iv) to expose any valuable property, whether real or personal, to destruction or serious injury, he shall be guilty of an offence and be liable on conviction to a fine of ₦ 100 or to imprisonment for a term of six months, or both.

(2) If a worker is entitled to terminate his contract of employment by giving to his employer less than fifteen days' notice, and does in fact give to his employer less than fifteen days' notice for that purpose, then-

- (a) he shall be deemed to have given to his employer at the same time, in pursuance of subsection (1) of this section, notice that he intends to cease work at the end of the period of fifteen days beginning with the day following that on which he gave the notice; and
- (b) for any period for which he is by virtue of that subsection required to go working after the termination of his contract of employment he shall be entitled to be paid as if his contract of employment had remained in force until the end of that period.

(3) A worker who ceases to perform his work in circumstances such that in doing so he does not contravene subsection (1) above, shall not by reason only of his so ceasing be guilty of an offence under section 196 of the Penal Code of Northern Nigeria.

[Cap. 89. Laws of Northern Nigeria.]

(4) No proceedings for an offence under this section shall be instituted except by or with the consent of the Attorney-General of the Federation or the Attorney-General of the State in which the offence is alleged to have been committed.

#### **43. Special provision with respect to payment of wages during strikes and lock-outs**

- (1) Notwithstanding anything contained in this Act or in any other law-
- (a) where any worker takes part in a strike, he shall not be entitled to any wages or other remuneration for the period of the strike, and any such period shall not count for the purpose of reckoning the period of continuous employment and all rights dependent on continuity of employment shall be prejudicially affected accordingly; and
  - (b) where any employer locks out his workers, the workers shall be entitled to wages and any other applicable remuneration for the period of lock-out and the period of the lock-out shall not prejudicially affect any rights of the workers being rights dependent on the continuity of period of employment.

(2) If any question should arise as to whether there has been a lock-out for the purposes of this section, the question shall on application to the Minister by the workers or their representatives be determined by the Minister whose decision shall be final.

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#### 44. Panels of employers' and workers' representatives

For the purposes of section 9 (3), 27 and 28 of this Act, the Minister shall draw up and from time to time revise-

- (a) a panel of employers' representatives consisting of persons recommended for the purpose by employers or organisations representing the interest of employers; and
- (b) a panel of workers' representatives consisting of persons recommended for the purpose by organisations representing the interest of workers.

#### 45. Appointment of officers and servants for purposes of Act

Without prejudice to section 40 of this Act, the Federal Civil Service Commission may appoint at such remuneration and such terms and conditions as it may determine such officers and servants as may be necessary for carrying this Act into effect.

#### 46. Expenses

Without prejudice to section 31 of this Act, any expenses incurred in carrying this Act into effect shall, so far as they are approved by the Minister for Finance, be paid out of the Consolidated Revenue Fund of the Federation.

#### 47. Offences by bodies corporate

Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he, as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

#### 48. Interpretation

(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say-

**"collective agreement"** means any agreement in writing for the settlement of disputes and relating to terms of employment and physical conditions of work concluded between-

- (a) an employer, a group of employers or organisations representing workers, or the duly appointed representative of any body of workers, on the one hand; and
- (b) one or more trade unions or organisations representing workers, or the duly appointed representative of any body of workers, on the other hand;

**"essential service"** means any service mentioned in the First Schedule to this Act; [First Schedule.]

**"lock-out"** means the closing of a place of employment, or the suspension of work, or the refusal by an employer to continue to employ any number of persons employed by him in consequence of a dispute, done with a view to compelling those persons, or to aid

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another employer in compelling persons employed by him, to accept terms of employment and physical conditions of work;

**"Minister"** means the Minister charged with responsibility for matters relating to the welfare of labour;

**"President"** means the President of the Federal Republic of Nigeria;

**"public officer"** means a member of the civil service of the Federation or of a State;

**"State"** means a state established under the Constitution of the Federal Republic of Nigeria, 1999;

[Cap. C23.]

**"strike"** means the cessation of work by a body of persons employed acting in combination, or a concerted refusal or a refusal under a common understanding of any number of persons employed to continue to work for an employer in consequence of a dispute, done as a means of compelling their employer or any person or body of persons employed, or to aid other workers in compelling their employer or any persons or body of persons employed, to accept or not to accept terms of employment and physical conditions of work; and in this definition-

(a) **"cessation of work"** includes deliberately working at less than usual speed or with less than usual efficiency; and

(b) **"refusal to continue to work"** includes a refusal to work at usual speed or with usual efficiency;

**"trade dispute"** means any dispute between employers and workers or between workers and workers, which is connected with the employment or non-employment, or the terms of employment and physical conditions of work of any person;

**"trade union"** has the same meaning as in the Trade Unions Act;

**"worker"** means any employee, that is to say any public officer or any individual (other than a public officer) who has entered into or works under a contract with an employer, whether the contract is for manual labour, clerical work or otherwise, express or implied, oral or in writing, and whether it is a contract of service or of apprenticeship.

(2) Where it is provided by this Act that an award or the terms of a settlement shall be binding on the employers and workers to whom the award or terms relate, then, as from the date of the award or settlement (or such earlier or later date if any, as is specified therein), the contract between the employers and workers in question shall be deemed to include a provision that the rate of wages to be paid and the conditions of employment to be observed under the contract shall be in accordance with the award or terms of settlement until varied by a subsequent agreement, settlement or award; and accordingly the provisions of that contract shall be read subject to the award or terms of settlement, and any failure to give effect to the award or terms of settlement shall constitute a breach of contract.

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**49. Application of Act to workers employed by or under the State other than armed forces, police, etc.**

(1) Subject to subsection (2) of this section, this Act shall apply to workers employed by or under the Government of the Federation or a State as it applies to persons employed by a private person.

(2) This Act shall not apply to-

- (a) any member of the Nigerian Army, Navy or Air Force;
- (b) any member of the Nigeria Police Force;
- (c) any officer of whatever rank appointed to carry out duties within the meaning of the Customs and Excise Management Act, the Immigration Act and the Prisons Act;  
[Cap. C45. Cap. I). Cap. P29.]
- (d) any member of the Customs Preventive Service;
- (e) any member of any other service of the Federal or State Government authorised to bear arms,

**50. Savings**

(1) Notwithstanding anything in section 8 (2) of the Trade Disputes (Emergency Provisions) (Amendment) (No.2) Act 1969 but subject to subsection (2) of this section, the Trade Disputes (Emergency Provisions) Act 1968 and the Trade Disputes (Emergency Provisions) (Amendment) (No.2) Act 1969 shall be deemed to have remained in force up to date of commencement of this Act and, accordingly, anything done by the Minister or by any other person or authority under or pursuant to the aforementioned Acts before the date of commencement of this Act shall be deemed to have been validly done and, where uncompleted, may be proceeded with and finally disposed of after the commencement of this Act.

(2) Any award made, whether before or after the commencement of this Act, by an arbitration tribunal established under the Trade Disputes (Emergency Provisions) (Amendment) (No.2) Act 1969 shall be treated as having been made by an arbitration tribunal constituted under section 9 of this Act and sections 15 and 21 (1) of this Act shall apply in relation thereto accordingly.

**51. Power to make order for the appointment of public trustee**

The Industrial Arbitration Panel and the National Industrial Court are hereby empowered to make orders when necessary for the appointment of a public trustee for the management of the affairs and finances of a trade union involved in intra-union disputes.

**52. Short title and repeal**

(1) This Act may be cited as the Trade Disputes Act.

(2) The enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule with effect from the date of commencement of this Act.

[Second Schedule.]

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## SCHEDULES

### FIRST SCHEDULE

[Section 48.]

#### *Essential services*

1. The public service of the Federation or of a State which shall for the purpose of this Act include service in a civil capacity, of persons employed in the armed forces of the Federation or any part thereof, and also, of persons employed in an industry or undertaking (corporate or incorporate) which deals or is connected with the manufacture or production of materials for use in the armed forces of the Federation or any part thereof.

2. Any service established, provided or maintained by the Government of the Federation or a State, by a local government council, or any municipal or statutory authority, or by private enterprise-

- (a) for, or in connection with, the supply of electricity, power or water, or of fuel of any kind;
- (b) for, or in connection with, sound broadcasting or postal, telegraphic, cable, wireless or telephonic communications;
- (c) for maintaining ports, harbours, docks or aerodromes, or for, or in connection with, transportation of persons, goods or livestock by road, rail, sea, river or air;
- (d) for, or in connection with, the burial of the dead, hospitals, the treatment of the sick, the prevention of disease, or any of the following public health matters, namely sanitation, road-cleansing and the disposal of night-soil and rubbish;
- (e) for dealing with outbreaks of fire.

#### **3. Service in any capacity in any of the following organisations-**

- (a) the Central Bank of Nigeria;
- (b) the Nigeria Security Printing and Minting Company Limited;
- (c) any body corporate licensed to carry on banking business under the Banks and other Financial Institutions Act.

[Cap. B3.]

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### SECOND SCHEDULE

[Section 52.]

#### *Enactments repealed*

<i>Chapter or number</i>	<i>Short title or other description</i>	<i>Extent of repeal</i>
Cap. 201	The Trade Disputes (Arbitration and Inquiry) Act.	The whole Act.
Cap. 202	The Trade Disputes (Arbitration and Inquiry) (Federal Application) Act.	The whole Act.

SECOND SCHEDULE-continued

<i>Chapter or number</i>	<i>Short title or other description</i>	<i>Extent of repeal</i>
No. 31 of 1958	The Civil Aviation (Fire and Security Measures) Act 1958.	Section 24 (2).
1968 No. 21	Trade Disputes (Emergency Provisions) Act 1968.	The whole Act.
1969 No. 53	Trade Disputes (Emergency Provisions) (Amendment) (No.2) Act 1969.	The whole Act.
L.N. 50 of 1961	The Transfer of Functions (Labour) Order 1961.	So much of the First Schedule as relates to the Trade Disputes (Arbitration and Inquiry) Act (Cap. 201).  So much of the Second Schedule as relates to the Trade Disputes (Arbitration and Inquiry) (Federal Application) Act (Cap. 202).
L.N. 112 of 1964	The Adaptation of Laws (Miscellaneous Provisions) Order 1964.	So much of the First Schedule as relates to the Trade Disputes (Arbitration and Inquiry) (Federal Application) Act (Cap. 202).  So much of the Second schedule as relates to the Trade Disputes (Arbitration and Inquiry) Act (Cap. 201).
Cap. 42	The Criminal Code. Section 305A.	
E.N. Cap. 30	The Criminal Code of Eastern Nigeria.	Section 305A.
W.N. Cap. 28	The Criminal Code of Western Nigeria, as it applies in any part of Nigeria.	Section 243.
N.N. Cap. 89	The Penal Code of Northern Nigeria.	Section 195.

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TRADE DISPUTES ACT

**SUBSIDIARY LEGISLATION**

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*List of Subsidiary Legislation*

I. National Industrial Court Rules.

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**NATIONAL INDUSTRIAL COURT RULES**

ARRANGEMENT OF RULES

**RULES**

- I. Short title.
2. Interpretation.
3. Application.
4. Enlargement of time and departure from Rules.
5. Registry.
6. Hours of opening to public.
7. Sessions.
  8. Notification of sittings.
  9. Adjournments.
  10. Chief Registrar.
  11. Seal of the Court.
11. Powers of Chief Registrar.
12. Commencement of proceedings in cases of first instance, etc.
13. Joinder of parties.
14. Interlocutory applications.
15. Directions.
16. Interim orders.
17. Attendance of witnesses and production of documents.
18. Oaths.
19. Oral hearings.
20. Discontinuance of cases.
21. Default by parties.
22. Conciliation.
23. Judgment of the Court.
24. Order and enforcement of judgments.



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RULES

- 26. Review of Court's decision and corrections of errors.
- 27. Costs.
- 28. Service of documents.
- 29. Rules of evidence.
- 30. Supplementary.
- 31. Fees.

SCHEDULE

*Fees chargeable by the National Industrial Court*

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**NATIONAL INDUSTRIAL COURT RULES**

[L.N. 33 of 1979.]

under section 27 (1)

[1st March, 1978]

[Commencement.]

**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.

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#### **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.

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## **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 paragraph (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.

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## **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 paragraph (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 paragraph (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 paragraph (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.

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## **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 subsection (1) of this section 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.

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(2) An application under paragraph (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 paragraph (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.

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SCHEDULE

*Fees chargeable by the National Industrial Court*

*Applications. affidavits. judgments and orders*

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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
<i>Miscellaneous</i>		
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
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

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