

# S.I. No. 243/1973 - Minimum Notice and Terms of Employment (Reference of Disputes) Regulations, 1973.

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MINIMUM NOTICE AND TERMS OF EMPLOYMENT (REFERENCE OF DISPUTES) REGULATIONS, 1973.

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I, MICHAEL O'LEARY, Minister for Labour, in exercise of the powers conferred on me by [section 39](#) (19) of the [Redundancy Payments Act, 1967](#) (No. 21 of 1967), and [sections 11](#) and [14](#) of the [Minimum Notice and Terms of Employment Act, 1973](#) (No. 4 of 1973), hereby make the following regulations:

## GENERAL.

1. (1) These Regulations may be cited as the Minimum Notice and Terms of Employment (Reference of Disputes) Regulations, 1973.

(2) These Regulations shall come into force on the 1st day of September, 1973.

2. In these Regulations—

"the Act" means the [Minimum Notice and Terms of Employment Act, 1973](#) (No. 4 of 1973);

"appellant" has the meaning assigned to it by Regulation 3 of these Regulations;

"dispute", save where the context otherwise requires, means a dispute referred under section 11 of the Act to the Tribunal;

"the Minister" means the Minister for Labour;

"respondent" has the meaning assigned to it by Regulation 6 of these Regulations.

## ORIGINATING APPLICATION.

3. Where a person (in these Regulations referred to as the appellant) desires to have a

dispute referred under section 11 of the Act to the Tribunal, he shall give written notice to the Secretary, Redundancy Appeals Tribunal, Dublin.

4. The notice referred to in Regulation 3 of these Regulations shall be given on the form provided by the Minister for the purpose and shall be accompanied by a statement of the facts and contentions on which the appellant intends to reply.

#### WITHDRAWAL OF REFERENCES.

5. An appellant may withdraw a reference of a dispute to the Tribunal by sending notice of withdrawal to the Secretary, Redundancy Appeals Tribunal, Dublin.

#### FORWARDING OF REFERENCES.

6. On receipt of a notice referred to in Regulation 3 of these Regulations, the Secretary of the Tribunal shall forward to the employer concerned (in these Regulations referred to as the respondent) a copy of the statement received by him and required by Regulation 4 hereof.

#### APPEARANCE BY RESPONDENT.

7. (1) A respondent shall within 14 days of receiving a copy of the appropriate notice enter an appearance to the proceedings by sending to the Secretary, Redundancy Appeals Tribunal, Dublin, a statement indicating whether he intends to contest the reference and, if so, to what extent the facts and contentions advanced by the appellant are admitted or disputed.

(2) Subject to paragraph (3) of this regulation, a respondent who has not entered an appearance as required by paragraph (1) hereof shall not be entitled to take any part in the reference proceedings or to be represented thereat.

(3) A respondent may apply within the 14-day period mentioned in the said paragraph (1) for an extension of the time in which to enter an appearance.

(4) When the Secretary of the Tribunal receives a notice of appearance from a respondent, he shall forthwith send a copy thereof to the relevant appellant.

#### REGISTER OF REFERENCES.

8. (1) A decision of the Tribunal on a dispute shall be entered in a Register of References and a copy of the decision shall be sent to the appellant and to any other person concerned.

(2) The Register of References shall be open to inspection by any person without charge during normal business hours.

(3) In case the chairman of the Tribunal by certificate under his hand corrects a clerical

mistake, error or omission in a decision of the Tribunal on a dispute, the correction shall be duly entered in the Register of References and a copy of the corrected decision shall be sent to the appellant and to any other person concerned.

#### NOTICES.

9. (1) Any notice required by these Regulations shall be in writing, and all notices and documents required or authorised by these Regulations to be sent or given to any person may be deemed to have been duly sent if sent by registered post and directed—

(i) in the case of the Secretary of the Tribunal, to the Secretary, Redundancy Appeals Tribunal, Dublin.

(ii) in the case of an appellant, to the address specified in the notice given by him pursuant to Regulation 3 of these Regulations,

(iii) in the case of any other person, to his usual or last-known address or his place of business,

(iv) in the case of a body corporate, to its registered office.

(2) Any such notice or document if sent or given to the authorised representative of a person shall be deemed to have been sent or given to that person.

(3) A party to a dispute may at any time by notice to the Tribunal and to any other party or parties concerned in the dispute change his address for service under these Regulations.

#### APPLICATION AND NON-APPLICATION OF CERTAIN OTHER REGULATIONS.

10. (1) Regulations 10, 11, 13, 14, 16, 17 (1), 17 (2), 19 and 24 of the Regulations of 1968 shall apply to a dispute as they apply to references to the Tribunal under [section 39](#) of the [Redundancy Payments Act, 1967](#) (No. 21 of 1967), and any reference to an appeal in the regulations hereinbefore specified shall be construed as including a reference to a dispute.

(2) Regulations 20 (2) and 20A (3) (inserted by Regulation 2 of the Redundancy (Redundancy Appeals Tribunal) (Amendment) Regulations, 1969 ( [S.I. No. 26 of 1969](#) )) of the Regulations of 1968 shall not apply to a dispute.

(3) In this Regulation "the Regulations of 1968" means the Redundancy (Redundancy Appeals Tribunal) Regulations, 1968 ( [S.I. No. 24 of 1968](#) ).

GIVEN under my Official Seal, this 17th day of August, 1973.

MICHAEL O'LEARY,

Minister for Labour.

EXPLANATORY NOTE.

These regulations prescribe the manner in which disputes under the [Minimum Notice and Terms of Employment Act, 1973](#) shall be referred to the Redundancy Appeals Tribunal.

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