

S.I. No. 532/2006 - Circuit Court Rules (Protection of Employees (Fixed-Term Work)) 2006

[S.I. No.532 of 2006](#)

CIRCUIT COURT RULES (PROTECTION OF EMPLOYEES (FIXED-TERM WORK)) 2006

We, the Circuit Court Rules Committee, constituted pursuant to the provisions of [section 69](#) of the [Courts of Justice Act 1936](#) , and [section 12](#) of the [Courts of Justice Act 1947](#) , by virtue of the powers conferred on us by [section 66](#) of the [Courts of Justice Act 1924](#) and [section 70](#) of the [Courts of Justice Act 1936](#) , (as applied by [section 48](#) of the [Courts \(Supplemental Provisions\) Act 1961](#)) and [section 27](#) of the [Courts \(Supplemental Provisions\) Act 1961](#) , and of all other powers enabling us in this behalf, do hereby, with the concurrence of the Minister for Justice, Equality and Law Reform, make the annexed Rules of Court.

Dated this 10th day of October 2006.

(Signed): Matthew Deery

(Chairman of the Circuit Court Rules Committee)

Patrick Hunt

Gerard J. Doherty

Joe Deane

Noel Rubotham

Susan Ryan (Secretary)

I concur in the making of the above Rules of Court.

Dated this 17th day of October 2006

Signed: [Michael McDowell](#)

MINISTER FOR JUSTICE, EQUALITY AND LAW REFORM

[S.I. No.532 of 2006](#)

CIRCUIT COURT RULES (PROTECTION OF EMPLOYEES (FIXED-TERM WORK)) 2006

1. These Rules, which may be cited as the Circuit Court Rules (Protection of Employees (Fixed-Term Work)) 2006, shall come into operation on the 14th day of November, 2006.

2. These Rules shall be construed together with the Circuit Court Rules 2001.

3. Order 57 of the Circuit Court Rules is amended by the insertion immediately following Rule 8 of the following rule:

“Rule 9 — Protection of Employees (Fixed-Term Work) Act 2003

9.(1) In this Rule:

“the Act” means the [Protection of Employees \(Fixed-Term Work\) Act 2003](#) (No. 29 of 2003);

“a determination of the Labour Court” means a determination given by the Labour Court in accordance with Section 15 of the Act, and

“the Minister” means the Minister for Enterprise, Trade and Employment.

(2) All applications under Section 16 of the Act by way of claim for enforcement of determinations of the Labour Court by the employee concerned or, with the consent of the employee, by any trade union of which the employee is a member, or by the Minister shall be made by way of originating Motion on Notice in accordance with Form 36G of the Schedule of Forms with such amendments as are appropriate which shall set out the grounds upon which the Applicant relies for the reliefs sought and which shall have annexed thereto the original determination of the Labour Court or a certified copy of same, certified by the plaintiff employee or his trade union or on behalf of the Minister as being a true copy of the determination received from the Labour Court and sought to be enforced and shall state the date on which the determination of the Labour Court was communicated to the plaintiff.

(3) Applications shall be brought in the County where the employer concerned ordinarily resides or carries on any profession, business or occupation.

(4) Notice of every application shall be given to the employer or employers in question and to the Labour Court by serving notice of the proceedings (including the Notice of Motion and grounding Affidavits, if any) no later than 10 days prior to the return date specified in the Notice of Motion, in the case of the employer or employers personally in accordance with the provisions of Order 11, or by leaving a true copy of same at the employer's residence or place of business or by pre-paid registered post to the employer's residence or place of business and, in the case of the Labour Court, by leaving a true copy of same at the Labour Court.

(5) Save by special leave of the Court, all applications under Section 16 of the Act shall be heard upon oral evidence or as may be determined by the Court.

(6) The Court may make such Order as to costs as may be appropriate including an Order measuring the costs.”

4. The Form annexed hereto shall be inserted in the Schedule of Forms annexed to the Circuit Court Rules as Form 36G.

FORM 36G

AN CHÚIRT CHUARDA

THE CIRCUIT COURT

CIRCUIT

COUNTY OF

IN THE MATTER OF THE PROTECTION OF EMPLOYEES (FIXED-TERM WORK) ACT 2003

NOTICE OF MOTION FOR RELIEF UNDER SECTION 16 OF THE PROTECTION OF EMPLOYEES
(FIXED-TERM WORK) ACT 2003

BETWEEN

Plaintiff

AND

Defendant

Take notice that application will be made to the Court on the _____ day of _____ or the next opportunity thereafter for the following reliefs:

[Here insert details of the relief sought by way of enforcement.]

And further take notice that the said application will be grounded upon:

1. [here insert the grounds upon which the Applicant is relying for the reliefs sought,

to

include all facts relevant to the alleged failure to carry out the determination and whether or not an appeal has been brought from the determination and, if no such appeal has been brought, that the time for appeal has elapsed and, if such appeal has been brought, the date upon which Notice of Appeal was given and evidence of abandonment thereof.]

2. [here insert basis of jurisdiction]

3. [here insert name, address and description of the Plaintiff]

4. [here insert the date on which the determination of the Labour Court was communicated to the Applicant]

5. [The following documents must be annexed to this Notice of Motion namely the original determination of the Labour Court or a certified copy of same, certified by the Applicant employee or his trade union or on behalf of the Minister (or the solicitor for such person) as being a true copy of the determination received from the Labour Court and sought to be enforced.]

Dated the _____ day of _____

Signed

Plaintiff/Solicitor for the Plaintiff

To:

The Defendant/Solicitor for the Defendant

And

To: The Labour Court

And

To: The County Registrar

EXPLANATORY NOTE

(This does not form part of the instrument and does not purport to be a legal interpretation)

These Rules facilitate appeals to the Circuit Court under [section 16](#) of the [Protection of Employees \(Fixed-Term Work\) Act 2003](#) .

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