

[Ceylon Gazette
Extraordinary No.
11806 of 10.07.
1959.]

THE INDUSTRIAL DISPUTES ACT, NO. 43 OF 1950

Order

ORDER made by the Minister of Labour under section 47 of the Industrial Disputes Act, No. 43 of 1950.

M.P.de Zoysa.
Minister of Labour,

Colombo, 10th July, 1959.

ORDER

The following industry is declared to be an industry essential to the life of the community:-

The storage, transport, supply or distribution of fuel including petroleum products.

[Ceylon Gazette
Extraordinary No.
14488 of 21.08.
1965.]

THE INDUSTRIAL DISPUTES ACT.

Order under Section 48

ORDER made by the Minister of Labour Employment and Housing under section 48 of the Industrial Disputes Act (Chapter 131).

M.H. Mohamed,
Minister of Labour,
Employment and Housing.

Colombo, August 21, 1965.

ORDER

1. The following industry is declared to be an industry essential to the life of the community:-

The services performed by the Port (Cargo) Corporation referred to as port services for stevedoring, landing, warehousing of cargo, warfare, supply of water, bunkering of coal and any other services incidental to or connected with the performance of such services.

2. The Order made under the aforesaid section 48 relating to the Port of Colombo and published in Gazette Extraordinary No. 11, 012 of November 29, 1956, is hereby rescinded.

[Ceylon Gazette
Extraordinary
No. 14754/5 of
25 of 1967.]

THE INDUSTRIAL DISPUTES ACT.
Order under section 48

ORDER made by the Minister of Labour, Employment and Housing under section 48 of the Industrial Disputes Act (Chapter 131).

Colombo, 25. 6. 1967

M.H. Mohamed,
Minister of Labour,
Employment and Housing.

ORDER

1. The following industry is hereby declared to be an industry essential to the life of the community:-

The following services performed in the Port of Trincomatee, the limits of which are specified in the Schedule hereto, that is to say, the services for stevedoring, landing, warehousing of cargo, whartage, supply of water, hunkering of coal and any other services incidental to or connected with the performance of the aforesaid service.

Schedule

LIMITS OF THE PORT OF TRINCOMALEE

The entire water area and foreshore northwards of a line joining Clappenburg Point and Elephant Point and including the area commonly known as the Inner Harbour of Trincomalee and the sea approaches thereto but excluding (a) the water area and foreshore bounded by an arc of a circle with Kachecheri Pier Fixed Red Light as center and radius 1,200 feet, and (b) the water area and foreshore bounded by a line drawn in an 45 degree direction from the extremity of Harden Point for a distance of 700 feet, thence in a 304 degree direction to the shore.

L. D. B. 30/52

THE INDUSTRIAL DISPUTES ACT, No. 43 OF 1950

Order under Section 48

ORDER made by the Minister of Labour, by virtue of the powers vested in him by sub-section (2) (read with sub-section (5)) of section 10 of the Industrial Disputes Act, No. 43 of 1950, as amended by Acts No. 25 of 1956, No. 14 of 1957 and No. 62 of 1957.

C. B. Kumarasinha,
Permanent Secretary, Ministry of Labour.

Colombo, 8 October, 1959.

ORDER

Every employer in the Coconut Fibber Export Industry employing not less than 100 workmen in that industry in Ceylon on whom the collective agreement entered into between the Employers' Federation of Ceylon and the Eksath Engineru Saha Samanya Kamkaru Samithiya, and punished under the heading "Collective Agreement No. 2 of 1959" in *Gazette* No. 11,752 of May, 29, 1959, is not binding, shall observe the terms and conditions set out in that collective agreement or terms and conditions which are not less favorable than the terms and conditions set out in that collective agreement.

[Gazette of the
Republic of Sri
Lanka (Ceylon) No.
25 of September 15,
1972.]

THE INDUSTRIAL DISPUTES ACT

ORDER made by the Minister of Labour, by under subsection (2) of section 10 of the Industrial Disputes Act (Chapter 131), as amended by Acts No. 14 of 1957, No. 62 of 1957, and No. 4 of 1962

A. E. Gogeruy Moragoda,
Secretary, Ministry of Labour.

Colombo, 31 August 1972.

ORDER

Order made under sub-section (2), read with sub-section (5) of section 10 of the Industrial Disputes Act (Chapter 131), and published in *Gazette* Extraordinary No. 14,995/8 of February I, 1972, in respect of the Collective Agreement entered into between the Employers' Federation of Ceylon, of the one part and Eksath Thay, Rupper Saha Merata Drauwya Kamkaru Samithiya, Karmika Ha Samanya Kamkaru Samithiya and Sri Lanka Nidahas Welanda Ha Karmika Ayathana Sewaka Sangamaya, of the other part, on the 31st day of July, 1971, and published under the heading "Collective Agreement No. 3. J of 1971" in *Gazette* No. 14, 975 of September 10, 1971, is hereby amended by the addition at the end of that Order of the following definition:-

"Employer" in this Order does not include any body (Whether corporate or unincorporated) whose capital is wholly Provided by Government."

THE INDUSTRIAL DISPUTES ACT, No. 43 OF 1950

Establishment of a Labour Tribunal

[Gazette No. 11771
of 12th June, 1959.]

IN terms to Regulation 10 (1) of the Industrial Disputes Regulations, 1958, it is hereby notified that a Labour Tribunal which shall be Known as Labour Tribunal I has been established with effect from 22nd April, 1959, under the provisions of section 31A (4) of the industrial Disputes Act, No. 43 of 1950.

C. B. Kumarasinha
Permanent Secretary,
Ministry of Labour, Housing and
Social Services

Colombo, 4th June, 1959.

THE INDUSTRIAL DISPUTES ACT, NO. 43 OF 1950

Establishment of a Labour Tribunal

[Gazette No. 12143
of 10th June, 1960.]

IN terms to Regulation 10 (1) of the Industrial Disputes Regulations, 1958, it is hereby notified that 2 Labour Tribunal which shall be known as Labour Tribunal II and Labour Tribunal III respectively have been established with effect from June 1, 1960, under the provisions of section 31 A. (1) of the Industrial Disputes Act, No. 43 of 1950.

C. B. Kumarasinha
Acting Permanent Secretary,
Ministry of Labour, Industries and Fisheries.

Colombo, 1st June, 1960.

THE INDUSTRIAL DISPUTES ACT, NO. 43 OF 1950

Establishment of a Labour Tribunal

[Gazette No. 12499
of 30th June, 1961.]

IN terms to Regulation 10 (1) of the Industrial Disputes Regulations, 1958, it is hereby notified that a Labour Tribunal which shall be known as Labour Tribunal IV has been established with effect from 22nd May, 1961, under the provisions of section A (1) of the Industrial Disputes Act, No. 43 of 1950.

Permanent Secretary,
Ministry of Labour, and Nationalised Services.

Colombo, 21st June, 1961

THE INDUSTRIAL DISPUTES ACT, NO. 43 OF 1950

Establishment of a Labour Tribunal

[Gazette No. 13961
of 28th Feb., 1964.]

IN terms to Regulation 10 (1) of the Industrial Disputes Regulations, 1958, it is hereby notified that 4 Labour Tribunal which shall be known as Labour Tribunal V, Labour Tribunal VI, Labour Tribunal VII and Labour Tribunal VIII have been established with effect from 14. 9. 61, 15. 9 61. 17. 1. 64. and 20. 1. 64. respectively under the provisions of section 31A of the Industrial Disputes Act, (Chapter 131).

A. E. Gogerly Moragoda,
Acting Permanent Secretary,
Ministry of Labour, and Social Services.

Colombo, February 21, 1964.

THE INDUSTRIAL DISPUTES ACT (CHAPTER 131)

Establishment of a Labour Tribunal

[Gazette No. 14529
of 08th Oct., 1965.]

IN terms to Regulation 10 (1) of the Industrial Disputes Regulations, 1958, it is hereby notified that a Labour Tribunal which shall be known as Labour Tribunal IX, has been established with effect from 1st July, 1965, under the provisions of section 31A (1) of the Industrial Disputes Act (Chapter 131).

A. O. Weerasinghe,
Permanent Secretary,
Ministry of Labour, Employment and Housing.

Colombo, 23rd September, 1965.

THE INDUSTRIAL DISPUTES ACT (CHAPTER 131)

Establishment of Labour Tribunal

[Gazette No. 14688
of 25th March,
1966.]

IN terms to Regulation 10 (1) of the Industrial Disputes Regulations, 1958, it is hereby notified that three Labour Tribunals shall be known as Labour Tribunal X, Labour Tribunal Labour Tribunal XII have been established with effect date, under the provisions of section 31A (1) of the Disputes Act (Chapter 131).

A. O. Wirasinha,
Permanent Secretary,
Ministry of Labour, Employment and Housing.

Colombo, 14th March, 1966.

THE INDUSTRIAL DISPUTES ACT (CHAPTER 131)

Establishment of Labour Tribunal

[Gazette No. 14866
of 08th August,
1969.]

IN terms to Regulation 10 (1) of the Industrial Disputes Regulations, 1958, it is hereby notified that four Labour Tribunals which shall be known as Labour Tribunal XIII, Labour Tribunal XIV Labour Tribunal XV and Labour Tribunal XVI have been established with effect from 15th July, 1969, as determined by Hon. Minister of Labour and Employment under the provisions of section 31A (1) of the Industrial Disputes Act (Chapter 131).

G. P. Tambayah,
Permanent Secretary,
Ministry of Labour & Employment

Colombo, July 29, 1969.

THE INDUSTRIAL DISPUTES ACT (CHAPTER 131)

Establishment of a Labour Tribunal

[Gazette of the Republic of
Sri Lanka (Ceylon)
No. 146 of Feb. 01,
1975.]

IN terms to Regulation 10 (1) of the Industrial Disputes Regulations, 1958, it is hereby notified that a Labour Tribunal which shall be known as Labour Tribunal XVIII, have been established at Kalutar with effect from 1st January 1975, by the Minister of Justice under section 31 A (1) of the Industrial Disputes Act.

Nihal Jayawickrama,
Secretary
Ministry of Justice.

Colombo, 12, December 31, 1974.

THE INDUSTRIAL DISPUTES ACT CHAPTER 131

Establishment of Labour Tribunal

[Gazette No. 34 of
27th April, 1979.]

IN terms to Regulation 10 (1) of the Industrial Disputes Regulations, 1958, it is hereby notified that a Labour Tribunal, which shall be known as Labour Tribunal No. 19 Avissawella shall be established at the premises of the High Court of provisions of section 31A(1) of the Industrial Disputes Act (Chapter 131).

Walter Ladduwahetti,
Secretary,
Ministry of Justice

[*Gazette No.* **THE INDUSTRIAL DISPUTES ACT.**
11688 of
2nd March,
1959.] No. 43 OF 1950

REGULATIONS made by the Minister of Labour, Housing and Social Services by virtue of the powers vested in him by section 39 of the Industrial Disputes Act, No. 43 of 1950, and approved by the Senate and the House of Representatives under that section.

T.B. Illangaratne
Minister of Labour, Housing
and Social Services.

Colombo, February 25, 1959

Regulations

1. These regulations may be cited as the Industrial Disputes Regulations, 1958.

2. (1) Where an industrial dispute exists or is apprehended, the parties may, and in the case of any essential industry shall, if they have failed to settle such dispute among themselves, send to the Commissioner a written notice specifying the following matters:-

- (a) the name and addresses of the parties to the dispute;
- (b) the matters to dispute;
- (c) the steps taken to settle the dispute; and
- (d) such other particulars as are available to them relating to the dispute.

(2) Each party to the industrial dispute shall if requested so to do by the Commissioner by written notice, send him within the period specified in the notice, such other information relating to the industrial dispute as the Commissioner may require.

3. Every notice of repudiation of a collective agreement, settlement or award of an arbitrator or a Labour Tribunal made under the Act, shall be substantially in Form A set out in the First schedule hereto.

4. (1) Every notice of intention by an employer to commence a lockout in connection with an industrial dispute in an essential industry shall be substantially in Form B set out in the First schedule hereto.

(2) A copy of the notice referred to in paragraph (1) shall be sent by registered post by the employer intending to commence a lockout to each of his workmen who will be affected by the lockout, or shall be displayed in a conspicuous position in the place of employment of such workmen.

(3) A copy of such notice shall also be sent by registered post to the Commissioner by the employer intending to commence the lockout on the date on which it is sent by post to the workmen or on the date on which it is displayed in their place of employment.

5. (1) Every notice of intention by a workman to commence a strike in connection with an industrial dispute in an essential industry shall be substantially in Form C set out in the First Schedule hereto.

(2) A copy of the notice referred to in paragraph (1) shall be sent by such workman to his employer either by registered post or by hand be delivered at the employer's last known place abode.

(3) A copy of such notice shall also be sent by registered post to the Commissioner by the workman intending to commence the strike on the date on which it is sent by him to their employer.

6. Every appointment to the Panel referred to in section 22 of the Act, shall be notified in the *Gazette*.

7. There shall be an officer to be called the Registrar of the Industrial Courts (hereinafter in these regulations referred to as the "Registrar") who shall perform such duties and discharge such functions as may be assigned to him by any Industrial Court or be imposed upon him by these regulations.

8. (1) Applications in respect of the following matters shall be made to the Registrar in writing :-

- (a) for certified copies of documents submitted to any Industrial Court ;
- (b) for issue of summons to witnesses ;
- (c) for the inspection of documents submitted to any Industrial Court; and .
- (d) for the return of documents submitted to any Industrial Court.

(2) The Registrar may decide any such application himself or may submit such application for decision by the Industrial Court.

9. Every reference of a dispute under section 4(2) of the Act, every appeal to an Industrial Court under section 10(9) of the Act, every application referred to an Industrial Court under section 27 of the Act, and every question referred to an Industrial Court for interpretation under section 34 of the Act, shall be transmitted to the Registrar.

10. (1) Every Labour Tribunal established for the purpose of this Act shall be notified in the *Gazette*.

(2) The person constituting such Labour Tribunal shall be designated as President of the Tribunal.

11. There shall be attached to the Labour Tribunals established under section 31A of the Act, a Secretary and such number of Assistant Secretaries as may be determined by the Minister.

12. The Secretary and the Assistant Secretaries shall perform such duties and discharge such functions as may be assigned to them by the Labour Tribunals or be imposed upon them by these regulations.

13. (1) Applications in respect of the following matters shall be made to the Secretary, Labour Tribunals (hereinafter in these regulations referred to as the "Secretary" in writing :-

- (a) for certified copies of documents submitted to any Labour Tribunal ;
- (b) for issue of summons to witnesses;
- (c) for the inspection of documents submitted to any Labour Tribunal ; and
- (d) for the return of documents submitted to any Labour Tribunal.

(2) The Secretary may decide any such application himself or may submit such application for decision by the appropriate Labour Tribunal.

(3) Subject to the general or the special directions of the Secretary, an Assistant Secretary may perform the functions of the Secretary.

14. Every application under section 31B of the Act and every question referred to a Labour Tribunal for interpretation under section 34 of the Act shall be transmitted to the Secretary.

15. Every application under section 31B of the Act shall be substantially in Form D set out in the First Schedule hereto and shall be sent to the Secretary in duplicate.

16. Every application under paragraph (a) or (b) of section 31B (1) of the Act in respect of any workman shall be made within three months of the date of termination of the services of that workman.

17. Every application under section 31B made by any trade union on behalf of any workman shall be signed by the President or the Secretary of such trade union.

18. (1) Every appeal to an Industrial Court against a decision of the Commissioner under subsection (9) of section 10 of the Act shall be made within a period of thirty days from the date of such decision.

(2) Every appeal referred to in paragraph (1) shall be made by petition which shall be substantially in Form E set out in the First Schedule hereto and shall be accompanied by a copy of the decision appealed against. Such petition shall be sent by registered post to the Registrar.

(3) As soon as may be after an appeal has been received under paragraph (1), the Registrar shall submit such appeal to the Minister through the Commissioner for the constitution of an Industrial Court in terms of section 22 of the Act.

19. Whenever a member of an Industrial Court is unable to function due to illness or any other reason, the Registrar shall forthwith report the matter to the Minister through the Commissioner to enable the Minister to appoint another person in place of the person who is unable so to function.

20. (1) As soon as may be after a dispute has been referred to an Industrial Court under section 4(2) of the Act for settlement, the Registrar shall by written notice call upon the parties to the dispute to transmit to him such number of copies of a statement setting out in full their respective cases in regard to the matters in dispute, as he may require, and the parties shall transmit the number of copies so required within the time specified in the notice.

(2) As soon as may be after the receipt of the copies of the statement referred to in paragraph (1), the Registrar shall send one copy of such statement sent by each party to the other party and shall by written notice call upon each such party to transmit to him such number of copies of a statement setting out their respective answers, as he may require and the parties shall transmit the number of copies so required with the period specified in the notice.

(3) As soon as may be after the receipt of the copies of the statement referred to in paragraph (2), the Registrar shall send one copy of the answer sent by each party to the other party.

(4) As soon as may be after an appeal has been made to an Industrial Court under section 10(9) of the Act, or an application has been referred to an Industrial Court under section 27 of the Act, or a question has been

referred to an Industrial Court for interpretation under section 34 of the Act, the Registrar shall by written notice call upon the person or body of persons making such appeal application or reference, as the case may be, to transmit to him such number of copies of the petition of appeal, application or reference, as the case may be, as he may require, and such person or body of persons shall send the number of copies so required within the period specified in the notice.

(5) As soon as may be after the receipt of the copies of such appeal, application, or the reference, as the case may be, the Registrar shall send one copy thereof to each of the persons or bodies of persons considered by him to be affected by the dispute, appeal, application or reference, as the case may be.

21. (1) As soon as may be after a dispute has been referred to an arbitrator or to a Labour Tribunal under section 3 (1) (d) or section 4 (1) of the Act, the arbitrator or the Secretary, as the case may be, shall by written notice call upon the parties to the dispute to transmit to him such number of copies of a statement, setting out in full their respective cases in regard to the matters in dispute, as he may require, and the parties shall transmit the number of copies so required within the period specified in the notice.

(2) As soon as may be after the receipt of the statement referred to in paragraph (1), the arbitrator or the Secretary shall send one copy of the statement sent by each party to the other party, and shall by written notice call upon the parties to transmit to him such number of copies of a statement, setting out their respective answers as he may require and the parties shall send the number of copies so required within the period specified in the notice.

(3) As soon as may be after the receipt of the copies of the statement referred to in paragraph (1), the arbitrator or the Secretary, as the case may be may send one copy sent by each party to the other party.

22. (1) As soon as may be after a question has been referred to an arbitrator or to a Labour Tribunal for the interpretation of an award or order under section 34 of the Act, the arbitrator or the Secretary shall by written notice call upon the person or body of persons making the reference to transmit to him such number of copies of the reference as he may require, and such person or body of persons shall send the number of copies so required within the period specified in the notice.

(2) As soon as may be after the receipt of the copies of such reference, the arbitrator or the Secretary shall send one copy to each of the persons or bodies of persons considered by him to be affected by the reference.

23. (1) Where, in respect of any matter, an Industrial Court or an arbitrator or a Labour Tribunal deems it expedient or necessary so to do either on the ground of urgency or for any other sufficient cause such court or arbitrator or Labour Tribunal may dispense with all or any of the requirements of regulations 20, 21, 22 or 81, as the case may be and proceed with the hearing of such matter. [Gazette No. 12731 of 27th October, 1961.]

(2) Where, in respect of any matter, an Industrial Court or an arbitrator or a Labour Tribunal dispenses with all or any of the required sets of regulations 20, 21, 22 or 81, as the case may be, under paragraph (1), then, such requirement or requirements, as the case may be, shall, be deemed not to apply to or in relation to that matter.

24. (1) As soon as may be after any matter has been fixed for hearing before an Industrial Court, the Registrar shall by written notice inform the person or bodies of persons specified hereunder of the date, time and place of hearing :-

- (a) where a dispute has been referred to an Industrial Court under section 4(2) of the Act, the parties to the dispute and where an appeal, application or reference has been made to it under any other provision of the Act, the person or body of persons making the appeal, application or reference, as the case may be ; and
- (b) every person or body of persons considered by the Registrar as likely to be affected by such appeal, application or reference.

(2) As soon as may be after any matter has been fixed for hearing before an Industrial Court, the Registrar shall by written notice in form the Commissioner of the date, time and place of hearing.

(3) Every notice referred to in paragraph (1) shall be substantially in Form F set out in the First Schedule hereto.

25. (1) As soon as may be after any matter has been fixed for hearing before an arbitrator or before a Labour Tribunal, the arbitrator or the Secretary shall by written notice inform the person or bodies of persons specified hereunder of the date, time and place of hearing-

- (a) where a dispute has been referred under section 3 (1) (d) or section 4 (1) of the Act, the parties to the dispute and where reference has been made under section 34 of the Act, the person or body of persons making such reference, and
- (b) every person or body of persons considered by the arbitrator or Secretary as likely to be affected by such dispute or reference.

(2) Every notice referred to in paragraph (1), shall be substantially in Form G set out in the First Schedule hereto.

26. As soon as may be after any industrial dispute has been fixed for hearing, the arbitrator or Secretary, as the case may be, shall by written notice inform the Commissioner of the date, time and place of hearing.

27. Where:-

- (a) any industrial dispute has been referred to an Industrial Court under section 4(2) of the Act, or
- (b) any industrial dispute has been referred to an arbitrator or a Labour Tribunal under section 3(1) (d) or section 4(1) of the Act, or
- (c) any appeal, application or question has been referred to an Industrial Court, arbitrator or Labour Tribunal under any other provision of the Act,

any person whose interests are affected by such dispute, appeal, application or question may apply to such Industrial Court, arbitrator or Labour Tribunal, as the case may be, to be joined as a party and where any such application is made, such court or arbitrator or Tribunal may, if satisfied that such person's interest will be affected to his prejudice if he is not made a party, grant the application.

28. If Without sufficient cause being shown, any party to any proceedings before an Industrial Court or an arbitrator or a Labour Tribunal fails to attend or to be represented, the Court or arbitrator or Labour Tribunal, as the case may be, may proceed with the matter notwithstanding the absence of such party or any representative of such party.

29. An Industrial Court or an arbitrator or a Labour Tribunal may, in any award or decision or order made by such Court, arbitrator or Tribunal correct any clerical error or mistake due to any oversight. Where any such correction is made after the date on which the award or decision is published in the Gazette, such correction shall also be published in the Gazette in like manner as the original award or decision,

30. At the hearing in regard to any matter before an Industrial Court or an arbitrator or a Labour Tribunal, such Court or arbitrator or Tribunal may call upon the parties, in such order the Court or the arbitrator or the Tribunal thinks fit, to state their case

[Gazette No. 12731 fo 27th October, 1961.]

31. (1) As soon as may be after an application has been received by the Secretary under section 31B of the

Act, he shall, if such application is in due form, forward a copy of the application to the employer to whom the application relates and shall by written notice call upon the employer to transmit to him in duplicate a statement setting out his answer in relation to the matter to which the application relates and the employer shall transmit such statement in duplicate within the period specified in such notice.

(2) As soon as may be after the statement referred to in paragraph (1) has been received by the Secretary, the Secretary shall forward a copy of the statement to the applicant and shall by written notice call upon the applicant to transmit to him in duplicate a statement setting out the applicant's answer, and the applicant shall transmit such statement in duplicate within the period specified in such notice.

32. As soon as may be after an application made under section 31B of the Act or a reference (as to the interpretation of an order) made under section 34 of the Act to a Labour Tribunal has been fixed for hearing, the Secretary shall, by written notice which shall be substantially in Form G of the First Schedule hereto, inform the applicant and the employer to whom the application relates, of the date, time and place of hearing.

32A. Two or more applications made to a Labour Tribunal if, having regard to the circumstances of such applications, the Tribunal deems it expedient so to do.

[Gazette No. 14533 of 15th October, 1965.]

33. Every order or decision of a Labour Tribunal shall be made in writing. The Secretary shall notify the applicant and the employer of the order or decision by forwarding a certified copy thereof. A certified copy of such order or decision shall also be sent to the Commissioner by the Secretary.

34. Every summons to a witness under the Act shall be substantially in Form H set out in the First Schedule hereto.

34A. Every notice under section 43A(1) of the Act shall be substantially in Form J Set out in the First Schedule hereto.

[Gazette No.15010 of 12th May, 1972.]

35. (1) No witness summoned to appear to give evidence or to produce any document on behalf of any party, union, employer, or workman in any proceedings under the Act shall be obliged so to appear unless such party, union, employer, or workman has:-

- (a) in a case where the proceedings are before an arbitrator, deposited, on or before a date to be fixed in that behalf by such arbitrator, with the Commissioner or given security for the payment of, such sum of money as appears to such arbitrator, to be sufficient to defray the batta and travelling expenses of such witness ; or
- (b) in a case where the proceedings are before an Industrial Court, deposited on or before a date to be fixed in that behalf by such Court, with the Registrar, or given security for the payment of, such sum of money as appears to such Court to be sufficient to defray the batta and the travelling expenses of such witness ; or in a case where the proceedings are before a Labour Tribunal, deposited on or before a date to be fixed in that behalf by such Tribunal, with the Secretary, or given security for the payment of, such sum of money as appears to such Tribunal to be sufficient to defray the batta and travelling expenses of such witness.

(2) Where any party, or union or employer or workman has failed to make the deposit or give security as provided in the preceding paragraph the summons to the witness shall specify that he is not obliged to attend.

36. Save as otherwise expressly provided in these regulations, the service on a person of a notice, summons, order or other document issued under the Act shall be effected by hand or by registered post or by affixing such notice, summons, order or other document at the entrance to his last known place of abode.

37. Save as otherwise expressly provided in the Act or in these regulations, every notice, summons, order or other document issued under the Act may be served:-

- (a) in the case of an employer:-
- (i) on the employer himself ; or
 - (ii) where the employer is represented by a trade union, on the President or the Secretary or any other officer of such trade union ; or
[Gazette No. 12731 of 27th October, 1961.]
 - (iii) where the employer is an incorporated body, on any Director, manager or other principal officer of such body.
 - (iv) where the employer is a firm, on any partner of the firm and
- (b) in the case of workmen:-
- (i) where the workmen are represented by a

trade union, on the President or the Secretary or any other officer of such trade union ; and

- (ii) in other cases, on such representative as may have been nominated by the workmen or if there is no such representative, on each workman who is a party to the industrial dispute.

38. (1) For the purposes of the Act, the number of persons who shall represent a party consisting only of employers (not being a union of employers) shall be not more than the number determined in the manner set out hereunder :-

- (a) 1 representative for 10 or less than 10 employers ;
- (b) 2 representatives for over 10 and up to 25 employers;
- (c) 3 representatives for over 25 and up to 75 employers; and
- (d) 4 representatives for over 75 employers.

(2) For the purposes of the Act, the number of persons who shall represent a party consisting only of workmen shall be not more than the number determined in the manner set out hereunder:-

- (a) 1 representative for 25 or less than 25 workmen;
- (b) 2 representatives for over 25 and up to 100 workmen;
- (c) 3 representatives for over 100 and up to 400 workmen;
- (d) 4 representatives for over 400 and up to 750 workmen; and
- (e) 5 representatives for over 750 workmen.

(3) For the purposes of the Act Where a party consist partly of trade unions and partly of employers or workmen who are not members of any such union, the name of person who shall represent such employers shall be determined in the manner set out in paragraph (1) of this regulation and the number of persons who shall represent such workmen shall be determined in the manner set out in paragraph (2) of this regulation.

[Gazette No. 12731 of 27th October, 1961.]

39. (1) The Commissioner or any authorized officer or a Labour Officer or any other officer appointed under the Act, may, for the purposes of Examining any notice required by the Act to be exhibited or of ascertaining whether the provisions of the Act are being complied with or of investigating any matter connected with or

having a bearing on any industrial dispute which exists or is apprehended, at all reasonable hours by day or night:-

- (a) enter any premises or place in which employers or workmen.
- (b) inspect the said premises or place and any machinery, appliances or articles therein ; and
- (c) examine any person whom he finds in such premises or place.

[Gazette No. 12731 of 27th October, 1961.]

(2) It shall be the duty of the person in charge of any premises or place of the description specified in the preceding paragraph and every agent or servant of such person to furnish such facilities as may be required by any officer for the purposes of any entry, inspection or examination which that officer is empowered to carry out under the said paragraph.

40. The officers specified in the Second Schedule hereto shall be paid remuneration, travelling allowance and subsistence allowance calculated in accordance with the appropriate provisions of that Schedule.

41. Witnesses shall be paid batta and travelling allowance calculated at the rates specified in the Third Schedule hereto.

42. Any costs ordered by an arbitrator or an Industrial Court or a Labour Tribunal shall be recovered as if they were costs incurred in a civil suit.

43. In these regulations, unless the context otherwise requires-

“ Act “ means the Industrial Disputes Act, No. 43 of 1950, as amended by any subsequent enactment;

“ authorised officer”, “Commissioner “ and “essential industry” shall have the same meanings as in the Act.

44. The Industrial Disputes Regulations, 1951 published in *Gazette* No. 10,302 of September 29, 1951, as amended from time to time, are hereby rescinded.

FIRST SCHEDULE

Form A

Regulation 3.

The Industrial Disputes Act, No. 43 of 1950

Notice of repudiation. of a collective agreement settlement/award of an arbitrator'/a Labour Tribunal

Address :_____.

Date: _____.

To:_____.

Notice is hereby given of the repudiation of the collective agreement / settlement / award of the arbitrator/Labour Tribunal dated,_____, binding on _____ and published in *Government Gazette* _____ of_____.

Signature :_____.

Delete what is inapplicable.

Separate notices should be sent by the party, trade union, *employer or workman* making the repudiation to every other party, union, employer and workman bound by the Collective agreement, settlement or award, as the case may be (See sections 9 (1), 15 (1) and 20 (1) of the Act.)

If the person signing the notice is signing it on behalf of any party, employer, trade union or workman he should also specify the party, employer, union or workman on whose behalf he is signing, and in the case of a union, the designation of his office in that union.

Form B

Regulation 4.

The Industrial Disputes Act, No. 43 of 1950

Notice of intention to commence a lockout in an essential industry.

Address :_____.

Date: _____.

To:_____.

Notice is hereby given that it is intended to commence a lockout on the _____ day of _____ 19, in connection with the dispute which has arisen between _____ and _____ who are engaged in the _____ industry which has been declared to be an essential industry by order published in *Gazette* No. _____ of _____.

Signature of employer or representative of employer.

Form C

Regulation 5.

The Industrial Disputes Act, No. 43 of 1950

Notice of intention to commence a strike in an essential industry.

Address : _____.

Date: _____.

To: _____.

Notice is hereby given that it is proposed to declare a strike on the _____ day of _____ 19, in connection with the dispute which has arisen between _____ and _____ who are engaged in the _____ industry which has been declared to be an essential industry by order published in Gazette No. _____ of _____.

Signature of workman or signatures of workmen or workmen's representatives.

Form D

Regulation 15.

The Industrial Disputes Act, No. 43 of 1950
Application under section 31 B.

Applicant.

Vs Employer.

May it please the Labour Tribunal,

The applicant abovenamed begs respectfully to submit as follows:-

that (here give the full name and address of the workman and the employer to whom, and the full facts of the matter to which, the application relates).

The workman above named is a member of the applicant union.

The applicant therefor prays that the Labour Tribunal be pleased to make order:-

- 1.)
- 2.) (state relief or redress prayed for)
- 3.)

The applicant hereby declares that the statements contained in this application are true and correct.

Signature of applicant.

Address: _____.

Date : _____.

Delete if the applicant is not a trade union.

*Where the applicant is a trade union the person signing the application should also specify the name of the trade union on behalf of which he is signing and the designation of his office in that union. The application should be signed by the President or the Secretary of the Trade union concerned.

Form E

Regulation 18 (2)

The Industrial Disputes Act, No. 43 of 1950
Appeal to the Industrial Court under section 10 (9) of the Act.

Petition of Appcal

In the Industrial Court, Colombo

Petition of Appeal No. _____ of _____
Appellant _____ Address _____.

Vs.

_____ Respondent.

_____ Address

In the matter of _____

May it please the Honorable Court

The appellatnt abovenamed begs respectively to submit as follows:-

that : _____

A certified copy of the decision appealed against is annexed hereto.

The appellatnt therefore prays that the Court may be pleased to decide:-

- 1.
- 2.
- 3.

Address: _____.

Signature

Date: _____.

*Where the appellatnt is in trade union, the person signing the petition of appeal should also specify the name of the trade union on behalf of which he is signing, and the designation of his office in that union.

Form F

Regulation 24

The Industrial Disputes Act, No. 43 of 1950
 Notice of hearing
 In the Industrial Court, Colombo.

No. _____ of _____
 In the matter of _____.

To:

You are hereby notified to appear either in person or through your representative at _____ on _____ at _____ a.m./p.m

You are requested to produce the document specified hereunder.

By order of Court
 Registrar
 Industrial Court.

Office of the Industrial Court,
 Colombo, _____

Dated this _____ day of _____, 19

Document to be produced: _____

*Delete what is inapplicable.

Form G

Regulations 25 and 32.

The Industrial Disputes Act, No. 43 of 1950
 Notice of hearing
 Arbitrator/*Labour Tribunal.

No. _____ of _____

In the matter of _____.

To:

You are hereby notified to appear either in person or through your representative at _____ on _____ at _____ a.m./p.m

Arbitrator/*
 Secretary/* Labour Tribunals.

Office of the Arbitrator/* Labour Tribunal.

Dated this _____ day of _____, 19

*Delete what is inapplicable.

Form H

Regulation 34

The Industrial Disputes Act, No. 43 of 1950
 Summons to witnesses

To:

In the matter of _____.

You are summoned to appear in person _____ at _____ on _____ at _____ A.M./P.M* to give evidence on behalf of _____ in the above matter. You are requested to bring with you*/ transmit the documents specified hereunder to _____ at _____ by A.M./P.M. of _____ day of _____.

You are not obliged to attend as your batta and travelling expenses have not been paid.

*Registrar, Industrial Court.
 Commissioner of Labour.
 Arbitrator.
 Authorized Officer.
 Secretary, Labour Tribunals.

Dated this _____ day of _____, 19

Documents to be produced:-

*Delete what is inapplicable.

Form J

(Regulation 34 A)

[Gazette No. 15010
 of 12th May 1972.]

Notice under section 43A (1) of the Industrial Disputes Act (Chapter 131)

To:

You,are hereby notified in accordance with section 43A (1) of the Industrial Disputes Act (Chapter 131) that I, (Name and Designation of Complainant), intend adducing at the trial of the action instituted against you under section 40 of that Act in the Magistrate's Court of evidence of your failure to pay/grant to the workman/workmen specified in Column I of the Schedule hereto being workman/ workmen employed by you, the sum of money/the benefit specified in the corresponding entry in Column II of that Schedule in accordance with the settlement/order under section 10 (2)

of the said Industrial Disputes Act*/order of the labour tribunal*, the particulars of which are set out in Column III of the said Schedule.

Dated at..... this day of.....

.....
Signature of Complainant

SCHEDULE

<i>Column I</i> Name/s of Workman*/ Workmen	<i>Column II</i> Sum of Money*/ Nature of Benefit	<i>Column III</i> The Particulars
--	--	--------------------------------------

*Delete what is inapplicable.

(3)by the substitution, for the Table set out in the Third Schedule hereto, of the following new Table:-

Table
Travelling Allowance

I	II	III	
		Travelling by a conveyance other than by train	Travelling by train, cost of the fare specified hereunder.
*Class	Batta for each day	Mileage Allowance Cents per Mile	
	Rs. c.		
I	15 0	65	First class fare
II	12 0	55	First class fare
III	9 0	45	Second class fare
IV	6 0	35	Third class fare
V	3 0	35	Third class fare

*Classes of witnesses

- Class I - Persons having annual incomes of not less than Rs. 6,000
- Class II - Persons having annual incomes of Rs. 3,600 and under Rs. 6,000
- Class III - Persons having annual incomes of Rs. 1,500 and under Rs. 3,600.
- Class IV - Persons having annual incomes of Rs. 500 and under Rs. 1,500.
- Class V - Persons having annual incomes of less than Rs.500.

{Regulation 40}

SECOND SCHEDULE

1. (1) Subject to the provisions of sub-paragraph (2) of this paragraph, every authorized officer, if he is not an officer of the Government of Sri Lanka, shall be entitled in respect of each sitting to a fee computed at the following rates:-

Rs.

- (a) where the duration of the sitting exceeds two hours. 40
- (b) where the duration of the sitting does not exceed two hours .. 25

(2) The maximum amount which an authorized officer shall be entitled to receive as fees under sub-paragraph (1) for attendance at sittings in any month shall be Rs. 200.

2. Subject as hereinafter provided, every arbitrator or a member of an Industrial Court, if he is not an officer of the Government of Sri Lanka, shall be entitled for attendance at sittings to a fee calculated at the rate of:-

- (1) (a) Rupees 600 for each sitting if the duration of such sitting does not exceed one hour;
- (b) Rupee 800 for each sitting if the duration of such sitting exceeds one hour and does not exceeds three hours ;
- (c) Rupees, 1,000 for each sitting if the duration of such sitting exceeds three hours.

Provided, however, that the maximum amount which an arbitrator or a member of an Industrial Court shall be entitled to receive for attendance at sittings in respect of each Industrial Dispute shall be Rupees 12,000.

[Gazette No. 1522/10 of 6th November, 2007.]

(2) Such arbitrator of member of an Industrial Court shall be entitled to an additional payment of Rupees 3,000 for each Industrial Dispute if the award in respect of such Industria Dispute is handed over within six weeks of the conclusion of the hearing.

3. Authorized officers, arbitrators, and members of an Industrial Court shall be entitled, in respect of any travelling done by them in the discharge of their duties, to a travelling allowance, calculated in accordance with the following provisions:-

- (a) in respect of any journey or any portion of a journey which might reasonably have been performed by railway, an authorised officer or an arbitrator or member of an Industrial Court shall be entitled to a travelling allowance equivalent to the first class train fare,
- (b) in respect of any journey or part of a journey by a private or a hired conveyance, where such journey could not reasonably have been performed by railway, an authorized officer, an arbitrator or a member of an Industrial Court shall be entitled to a travel-

ling allowance, calculated at the rate of 50 cents for each mile or outstanding part of a mile of the distance travelled.

- (c) in respect of any journey performed by omnibus, tram or other public conveyance, an authorised officer, arbitrator or a member of an Industrial Court shall be entitled to a travelling allowance equivalent to the actual amount paid as fare.

4. Officers of the Government who serve as authorised officers, arbitrators or members of an Industrial Court or Presidents of Labour Tribunals shall be entitled in connection with the discharge of their duties, to travelling allowance and subsistence allowance calculated in accordance with such of the provisions of the Government Financial Regulations as are applicable to them.

THIRD SCHEDULE [Regulation 41]

1. Every witness belonging to a class specified in an entry in column I of the Table set out hereunder shall, subject to the other provisions of this Schedule, be paid batta at the rate specified in the corresponding entry in column II and a travelling allowance at the rate specified in the corresponding entry in column III, of that Table.

2. (1) Where the whole or any part of a journey has been covered by train, the travelling allowance payable in respect of such portion of the journey as has been covered by train shall be the appropriate train fare specified in the Table set out hereunder.

(2) Where the whole or any part of a journey has been covered by omnibus, tram or other public conveyance, the travelling allowance payable in respect of the portion of the journey that has been so covered shall be the fare actually paid for such portion of the journey:

Provided, however that a witness belonging to class I or to class II specified in that Table may draw the appropriate mileage allowance specified therein, if he has actually travelled by private or hired car.

3. Where two or more persons entitled to charge car hire use the same car on a journey, travelling allowance shall be payable only to one person.

4. The full batta rates laid down in the Table set out hereunder shall be payable only when the witnesses lie more than five miles from the place where the proceedings are held, and in the case of those summoned to a place in Colombo, outside the limits of the Colombo Municipality. Witnesses living within five miles of the place where the

proceedings are held, or in Colombo, within the limits of the Colombo Municipality, shall be entitled to only one-half of the full batta rates.

5. (1) Where a witness is entitled to full batta, travelling allowance shall be payable only on the first and last days of the period required for attendance.

(2) Where a person is entitled to half-batta, he may, in addition to such batta in respect of each day of his attendance, draw a travelling allowance for each journey between his home for the time being and the place at which the proceedings are being held during the period of his attendance:

Provided, that in no case shall the batta and travelling allowance paid for any one day exceed the amount which would be payable as full batta.

(3) for the purpose of calculating the batta payable-

(a) any period commencing at 12 midnight and terminating at 12 midnight next following shall be reckoned as one day ;

(b) any period commencing after 12 noon on any day and terminating also on that day shall be reckoned as half a day ; and

(c) any period commencing and terminating before 12 noon on any day shall be reckoned as half a day.

6. Where witness who comes from a distant place is detained over a period which includes Saturday and Sunday or where proceedings are postponed or a short interval, such witness may be paid either batta for the intervening days on which he is so detained, or a mileage allowance, whichever is less.

7. Public officers who attend to give evidence of facts which have come to their knowledge, or of matters with which they have had to deal, in their public capacity, shall be entitled to draw subsistence allowance and travelling allowance in accordance with such of the provisions of the Government Financial Regulations as are applicable to them, in lieu of the amounts payable under the Table set out in this Schedule.

8. Payments to witnesses summoned on behalf of a party, union, employer or workmen, at the rates specified in the Table set out in this Schedule, shall be made by the Commissioner, or the Registrar, or the Secretary, as the case may be, out of money deposited with him by such party, union or person.

9. (1) The amount payable as batta or travelling allowance to a witness shall be paid to him on the production by him of a certificate from the appropriate officer to the effect that he is entitled to such allowance.

(2) For the purposes of sub-paragraph (1) “ apprentice officer “ shall mean:-

- (a) where the proceedings are before an Industrial Court, the Registrar;
- (b) where the proceedings are before a Labour Tribunal, the Secretary ;
- (c) where the proceedings are before an arbitrator, such arbitrator ; and
- (d) where the proceedings are before the Commissioner or an authorized officer, the Commissioner or such officer, as the case may be.

TABLE

I	II	III	
		Travelling allowance	
*Class	Allowance for each day	Travelling by a conveyance other than by train Mileage Allowance Cents per Mile	Travelling by train, cost of the fare specified hereunder.
	Rs. c.		
I	8 0	45	First class fare
II	6 50	35	First class fare
III	3 40	25	Second class fare
IV	2 20	20	Third class fare
V	1 50	20	Third class fare

*Classes of witnesses

Class I - Persons having annual incomes of not less than Rs. 6000

Class II - Persons having annual incomes of Rs. 3,600 and under Rs. 6,000

Class III - Persons having annual incomes of Rs. 1,500 and under Rs. 3,600.

Class IV - Persons having annual incomes of Rs. 500 and under Rs. 1,500.

Class V - Persons having annual incomes of less than Rs.500.