

**M O N T S E R R A T**

**LABOUR CODE (AMENDMENT) ACT 2022**

No. 4 of 2022

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**I ASSENT**

(Sgd.) Andrew Pearce  
**Governor**

DATE: 5/3/2022

**M O N T S E R R A T**

No. 4 of 2022

AN ACT TO AMEND THE LABOUR CODE (CAP. 15.03).

BE IT ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Montserrat, and by the Authority of the same as follows:—

**1. Short title**

This Act may be cited as the Labour Code (Amendment) Act, 2022.

**2. Interpretation**

In this Act, “**principal Act**” means the Labour Code (Cap. 15.03).

**3. Section 24 amended**

Section 24 of the principal Act is amended by inserting the following as subsection (5)—

“(5) The Chairperson and—

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- (a) one member representing the interests of the employer; and
  - (b) one member representing the interests of the employee,
- constitute a quorum at a hearing before the Tribunal.”.

**4. Section 26 amended**

Section 26 of the principal Act is deleted and the following is substituted—

**“26. Appeals of the Tribunal**

- (1) Subject to this Act, a party to a matter before the Tribunal is entitled as of right to appeal to the Court of Appeal on the following grounds—
  - (a) that the Tribunal had no jurisdiction in the matter;
  - (b) that the Tribunal has exceeded its jurisdiction in the matter;
  - (c) that the order or award has been obtained by fraud;
  - (d) that any finding or decision of the Tribunal in any matter is erroneous in point of law; or
  - (e) that some other specific illegality, not mentioned in paragraph (a) to (d), and substantially affecting the merits of the matter, has been committed in the course of the proceedings.
- (2) Despite subsection (1)(a), it shall not be competent for the Court of Appeal to entertain an appeal on the jurisdiction of the Tribunal in a matter, unless objection to the jurisdiction of the Tribunal has been formally taken at some

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time during the progress of the matter before the making of the order or award.

(3) On hearing of an appeal in a matter brought before it under this Act, the Court of Appeal has the power—

(a) if it appears to the Court of Appeal that a new hearing should be held, to set aside the order or award appealed against and order that a new hearing be held; or

(b) to order a new hearing on any question without interfering with the finding or decision upon any other question,

and the Court of Appeal may make such final or other order as the circumstances of the matter may require.

(4) An appeal under subsection (1) shall be brought within twenty-eight days of the issuance of the written decision of the Tribunal.”

**5. Schedule 3 amended**

Schedule 3 of the principal Act is amended by deleting paragraph 5.

(Sgd.) Charliena White

**SPEAKER**

Passed by the Legislative Assembly this 23<sup>rd</sup> day of February, 2022.

(Sgd.) Judith Baker

**CLERK OF THE LEGISLATIVE ASSEMBLY**