



*EXTRAORDINARY*  
**OFFICIAL GAZETTE**  
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# SUPREME COURT (ENFORCEMENT OF ORDERS AND AWARDS OF THE INDUSTRIAL TRIBUNAL) RULES, 2025

## Arrangement of Rules

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### Regulation

1.	Citation and commencement.....	2
2.	Interpretation. ....	2
3.	Status of the award or order of the Tribunal.....	3
4.	Application for leave.....	3
5.	Affidavit in support.....	3
6.	Cases in which leave shall not be given.....	4
7.	Order granting leave. ....	4
8.	Form of order. ....	5
9.	Application to set aside order made granting leave. ....	5
10.	When order granting leave becomes operative.....	6
11.	Register. ....	7
12.	Modification of Schedule forms.....	7
13.	Extension of period to set aside order granting leave.....	7
14.	Exercise of powers by Registrar. ....	8

# SUPREME COURT ACT (CHAPTER 53)

S.I. No. 8 of 2025

## SUPREME COURT (ENFORCEMENT OF ORDERS AND AWARDS OF THE INDUSTRIAL TRIBUNAL) RULES, 2025

The Rules Committee, in exercise of the powers conferred by section 76 of the Supreme Court Act (*Ch. 53*) makes the following rules —

### 1. Citation and commencement.

- (1) These Rules may be cited as the Supreme Court (Enforcement of Orders and Awards of the Industrial Tribunal) Rules, 2024.
- (2) These Rules shall come into operation on the 3<sup>rd</sup> March, 2025.

### 2. Interpretation.

In these Rules –

“**application for leave**” means an application to the Court under section 61 of the Industrial Relations Act (*Ch. 321*) for leave to enforce an order or award of the Industrial Tribunal in the same manner as a judgment or order of the Court to the same effect;

“**award creditor**” means the person entitled to the benefit of an order or award for compensation or damages made by the Industrial Tribunal;

“**award debtor**” means the person liable to pay compensation or damages by virtue of an order or award of the Industrial Tribunal;

“**Court**” means the Supreme Court of The Bahamas;

“**judge**” means the Chief Justice or any Justice of the Court;

“**order or award of the Tribunal**” means an order or award of the Industrial Tribunal for compensation or damages that is made in respect of a trade dispute referred by the Minister pursuant to section 73 of the Industrial Relations Act (*Ch. 321*);

“**Registrar**” means the Registrar, a Deputy Registrar or Assistant Registrar of the Court.

“**Act**” means the Industrial Relations Act (*Ch. 321*);

“**Registry**” means the Registry of the Court;

“**Tribunal**” means the Industrial Tribunal established under the Industrial Relations Act (*Ch. 321*);

### **3. Status of the award or order of the Tribunal.**

- (1) Subject to the right of an employer to appeal to the Supreme Court under section 64 of the Industrial Relations Act (*Ch. 321*), an order or award for the payment of any sum for unpaid wages, or as compensation, or damages made by the Tribunal in any proceedings shall —
  - (a) constitute a lien or secured charge in favour of the employee named in the order or award; and
  - (b) be enforceable against all real and personal property, including stocks or bonds, and money in the bank accounts of the employer or other person charged in the order or award.
- (2) Notwithstanding the provisions of any other Act, and subject to the provisions of subsection (3), the amount of the lien or charge —
  - (a) is payable and enforceable in priority over all liens, judgments, charges, or any other claims or rights; and
  - (b) shall have priority over a mortgage of, or debenture charging, land that was registered in the Registry of Records before the order or award of the Tribunal, but only with respect to money advanced under the mortgage or indenture after the order or award of the Tribunal.
- (3) The lien or charge shall remain attached until —
  - (a) all outstanding wages, compensation or damages are paid; or
  - (b) the matter is resolved by settlement.
- (4) Before a lien or charge may be enforced under these Rules, the employee shall serve on the employer, a copy of the Tribunal’s order or award by certified mail, return receipt requested, or by first class mail with delivery confirmation.

### **4. Application for leave.**

An application for leave to enforce an order or award of the Tribunal as a lien or secured charge shall be made *ex parte* to a Registrar by originating application in Form 1 of the *Schedule*.

### **5. Affidavit in support.**

- (1) An application for leave shall be supported by an affidavit made by the award creditor in Form 2 of the *Schedule*.

- (2) The affidavit in support shall –
- (a) exhibit the original order or award of the Tribunal sought to be enforced or a certified copy thereof;
  - (b) fully and fairly disclose all facts material to the application for leave that are known to the award creditor;
  - (c) state that to the best of the knowledge and belief of the award creditor the order or award of the Tribunal does not fall within any of the cases in which leave shall not be given as set out in rule 6;
  - (d) give the full name and last known address and contact details of the award debtor;
  - (e) where the award creditor believes it will be impracticable to personally serve the award debtor with process, include the grounds upon which that belief is held and state the means by which the award creditor believes the award debtor may best be served; and
  - (f) state the amount of costs the award creditor is seeking in respect of the application for leave.

## **6. Cases in which leave shall not be given.**

Leave shall not be granted where –

- (a) the order or award of the Tribunal has not yet become operative;
- (b) there are no sums due and owing to the award creditor under the order or award of the Tribunal;
- (c) there was serious irregularity affecting the order or award of the Tribunal;
- (d) an appeal against the order or award of the Tribunal to the Court of Appeal pursuant to section 64 of the Act is pending; or
- (e) the order or award of the Tribunal has been set aside.

## **7. Order granting leave.**

- (1) If after reviewing an application for leave and affidavit in support, the Registrar is satisfied that—
- (a) the award creditor has complied with the provisions of these Rules; and
  - (b) the order or award of the Tribunal is not one in which leave shall not be given under rule 6;

the Registrar shall make an order in Form 3 of the *Schedule* giving leave to enforce the order or award of the Tribunal in the same manner as a

judgment or order of the Court pursuant to rule 43 of the Supreme Court (Civil Procedure) Rules, 2022.

- (2) If after reviewing the application for leave and affidavit in support the Registrar is not satisfied that —
  - (a) the award creditor has complied with the provisions of these Rules; or
  - (b) it appears to the Registrar that the order or award of the Tribunal is one which leave shall not be given,the Registrar may issue directions to the award creditor; or dismiss the application for leave.
- (3) Where the Registrar has issued directions under paragraph (2), and is satisfied the directions have been complied with, the Registrar may make an order granting leave in Form 3 of the *Schedule*.

## **8. Form of order.**

- (1) Where a Registrar makes an order pursuant to rule 7, the order shall include —
  - (a) directions for the service of the order on the award debtor;
  - (b) a statement of the period within which the award debtor is entitled to apply to show cause why the order made should be set aside; and
  - (c) provide that the costs of the application for leave shall be borne by the award debtor.
- (2) The period referred to in the statement under subsection (1)(b) shall be—
  - (a) no more than thirty days from the date of service of the order; or
  - (b) such other period no less than fourteen days from the date of service of the order as the Registrar may specify.
- (3) Service of an order made pursuant to rule 7 shall be effective if it is served on the award debtor in accordance with the directions given for service under paragraph 1(a).
- (4) The order shall be served with a copy of the Ex Parte Originating Application and the Affidavit filed in support.
- (3) Service of the order pursuant to subsection (3) shall be proved by an affidavit of service by the person responsible for serving the order on the award debtor.

## **9. Application to set aside order made granting leave.**

- (1) An award debtor may at any time within the period prescribed —

- (a) in the order; or
  - (b) by any extension of time granted in respect of the order,apply to a judge in chambers to set aside the order granting leave.
- (2) An application to set aside the order granting leave shall be made by way of application notice.
- (3) Where an award debtor applies to set aside an order granting leave –
  - (a) the application notice shall briefly state the grounds on which the award debtor believes the order granting leave should be set aside;
  - (b) the award debtor shall serve the application notice on the award creditor at least seven days before the date set for the hearing of the matter;
  - (c) the award debtor shall file and serve on the award creditor any evidence on which the award debtor relies no less than seven days before the before the date set for the hearing of the matter; and
  - (d) the award creditor shall file and serve on the award debtor any evidence in opposition to the application no less than three days before the before the date set for the hearing of the matter.
- (3) Upon receipt of an application made under paragraph (1) of this rule, the judge may —
  - (a) fix a time and date for the hearing of the application; and
  - (b) give such directions as appear appropriate for the hearing and determination of the application.
- (4) If after hearing an application made under paragraph (1) the judge is satisfied that leave to enforce the order or award of the Tribunal should not be granted to the award creditor, the judge may order that the order granting leave be set aside unconditionally or on such terms as the judge thinks fit.

## **10. When order granting leave becomes operative.**

- (1) Subject to rule 8(3) and to paragraph (2) of this rule –
  - (a) the order granting leave to an award creditor made pursuant to rule 7(1) and 7(3) shall become operative upon the expiration of the period prescribed in the order for the award debtor —
    - (i) to apply to set aside the order granting leave;
    - (ii) or any extension of time granted in respect of the order;
  - (b) where the order granting leave to an award creditor becomes operative, the order or award of the Tribunal may be enforced in like manner as if it had been a judgment or order originally

obtained or entered in the Court pursuant to rule 43 of the Supreme Court (Civil Procedure) Rules, 2022.

- (2) Paragraph (1) of this rule shall not apply —
  - (a) when there is a pending application made by an award debtor under rule 9(1);
  - (b) if an order is made under rule 9(4) provided that any conditions imposed on the award debtor are complied with within the time prescribed ; or
  - (c) if the order or award of the Tribunal has been set aside by the Court of Appeal pursuant to section 64 of the Act.

#### **11. Register.**

- (1) The Registrar shall keep and maintain a register of each order or award of the Industrial Tribunal in respect of which leave is given to enforce the order or award pursuant to these Rules.
- (2) The register shall include —
  - (a) the name of the award creditor and award debtor;
  - (b) the amount due under the order or award of the Tribunal in respect of which leave has been granted;
  - (c) the particulars of any execution issued pursuant to the leave granted; and
  - (d) any other information the Registrar thinks fit.
- (3) The register shall be kept at the office of the Registrar and shall be open to inspection by the public.

#### **12. Modification of Schedule forms.**

The forms in the *Schedule* shall be used where applicable with such variations as the circumstances of the particular case require.

#### **13. Extension of period to set aside order granting leave.**

- (1) The Court may, by order extend the period within which an application may be made by an award debtor to set aside an order granting leave.
- (2) Where the Court extends the period to make an application to set aside an order granting leave, an award debtor shall pay the costs of the award creditor unless there are special circumstances.



**14. Exercise of powers by Registrar.**

For the purposes of discharging their functions under these Rules, a Registrar may exercise any or all of the powers vested in a single judge sitting in chambers.

**Made this 27<sup>th</sup> day of January, 2025.**

**Signed**  
**SIR IAN WINDER**  
**Chairman**  
**RULES COMMITTEE**

## SCHEDULE

### FORM 1 – ORIGINATING APPLICATION

In the Commonwealth of The Bahamas  
In the Supreme Court  
Common Law and Equity Division

Claim No. [*No of Proceeding including year*]

In the Matter of an application made under section 61 of the Industrial Relations Act

In the Matter of the Supreme Court (Enforcement of Orders and Awards of the Industrial Tribunal) Rules, 2025

Between:

*[full name in bold, upper case letters]*

Award Creditor

And

*[full name in bold upper case letters]*

Award Debtor

### EX PARTE ORIGINATING APPLICATION

1. The award creditor makes application for leave to enforce an order or award of the Industrial Tribunal against the award debtor in the same manner as a judgment or order of the Supreme Court to the same effect.
2. The grounds of the application are that:
  - (i) by a [*describe order or award of the Industrial Tribunal*] the award debtor was ordered and is obligated to pay the award creditor the sum of [*insert details*] together with interest at the rate of [*state rate*] pursuant to section 59(2) of the Industrial Relations Act (*Ch. 321*);

- (ii) the order or award of the Industrial Tribunal remains [*wholly*]/[*partially*] unsatisfied and the award creditor wishes to enforce the order or award against the award debtor through the processes of the Supreme Court.

3. The remedies that the award creditor seeks are:

- (i) an order pursuant to section 61 of the Industrial Relations Act(*Ch. 321*) and the Supreme Court (Enforcement of Orders and Awards of the Industrial Tribunal) Rules, 2025 granting leave to the award creditor to enforce the said order or award of the Industrial Tribunal against the award debtor in the same manner as a judgment or order of the Supreme Court to the same effect; and

- (ii) that the costs of this application be provided for.

4. The following written evidence shall be used at the hearing of the application and is attached:

- (i) the affidavit of the award creditor filed on [*state date*].
- (ii) (*list here any other written evidence to be relied on, and attach copies of the evidence.*)

I [*state name of award creditor*] certify that I believe that the facts stated in this originating application are true.

**OR**

I [*state name of the individual attorney giving the certificate*] certify that —

- (a) the award creditor believes that the facts stated in this originating application are true; and
- (b) this statement is given on the award creditor's instructions.

The award creditor cannot give the certificate because [*state reasons*]

Dated the day of 20....

.....  
Signature of award creditor / award creditor's attorney

[*Attach backing sheet*]

**FORM 2 – AFFIDAVIT IN SUPPORT OF ORIGINATING APPLICATION**

In the Commonwealth of The Bahamas  
In the Supreme Court  
Common Law and Equity Division

Claim No. *[No of Proceeding including year]*

In the Matter of an application made under section 61 of the Industrial Relations Act

In the Matter of the Supreme Court (Enforcement of Orders and Awards of the Industrial Tribunal) Rules, 2025

Between:

*[full name in bold, upper case letters]*

Award Creditor

And

*[full name in bold upper case letters]*

Award Debtor

**AFFIDAVIT OF THE AWARD CREDITOR**

I *[full name]* of *[full address]* in the island of *[state name of island]*, one of the islands of the Commonwealth of The Bahamas, *[state occupation]*, *[make oath and say]*/*[do solemnly, sincerely and truly declare and affirm]* as follows:

1. I am the award creditor in these proceedings.
2. The award debtor is *[state full name of defendant]*.

3. The award debtor's last known address and contact details are [*state last known physical address, mailing address, email address and telephone number, if known*].
4. The facts referred to herein are, unless otherwise stated, within my own knowledge and are true to the best of my knowledge.
5. I make this affidavit in support of my Ex Parte Originating Application herein dated [*state date*] for leave to enforce the Order dated [*state date*] against the award debtor in the same manner as a judgement or order of the Court pursuant to rule 43 of the Supreme Court (Civil Procedure) Rules, 2022.
6. On [*state date*] a [*state Order*] was made by the Industrial Tribunal in proceedings numbered [*state number, e.g., IT/NES/NP/20XX-XX*] and entitled [*name of proceedings, i.e. name of Applicant v name of Respondent*] whereby the award debtor was ordered by [*state name of Industrial Tribunal President or Vice President*] to pay me the sum of \$[*state amount*] which included interest at the rate of [*state rate*]%. [A copy of the [*Order*] received from the Secretary of the Industrial Tribunal pursuant to rule 11(4) of the Industrial Relations (Tribunal Procedure) Rules, 2010 (*Ch. 321*) is marked [*exhibit*].] **OR** [A certified copy of the [*Order*] duly certified by the Secretary of the Industrial Tribunal is marked [*exhibit*].]
7. The grounds upon which I am entitled to enforce the [*Order*] are that the award debtor was ordered to pay me the sum of \$[*state amount*] and the [*Order*] is still [*wholly unsatisfied*]/[*unsatisfied as to \$[state amount]*].
8. To the best of my knowledge and belief the [*Order*] does not fall within any of the cases set out in rule 6 of the Supreme Court (Enforcement of Orders and Awards of the Industrial Tribunal) Rules, 2025 where leave must not be given.
9. [I believe the award debtor may be personally served with this Honourable Court's process.] **OR** [I believe that it will be impracticable to personally serve the award debtor with this Honourable Court's process and my reasons for believing that are [*detail grounds*].]
10. I believe that the most effective way of serving the award debtor will be to [*advertise in the newspaper*]/[*serve the documents by email*]/[*send documents by post*].]
11. I am aware of my duty to fully and fairly disclose all facts material to my application that are known to me. [I wish to apprise the Court of the following

additional matters. [*State additional information.*] **OR** [There is nothing further that I wish to disclose.]

- 12. I am seeking costs in the amount of [*state amount and provide supporting details*].
- 13. In all the circumstances, your deponent prays that this Honourable Court grant the relief sought in the Ex Parte Originating Application.

[*SWORN TO*]/[*AFFIRMED*]     )  
at .....                             )  
this ..... day of .....        )  
20.....                             )     .....

Before me,

[*Notary Public*]

[*Attach backing sheet*]

**FORM 3 – ORDER GRANTING LEAVE**

In the Commonwealth of The Bahamas  
In the Supreme Court  
Common Law and Equity Division

Claim No. *[No of Proceeding including year]*

In the Matter of an application made under section 61 of the Industrial Relations Act

In the Matter of the Supreme Court (Enforcement of Orders and Awards of the Industrial Tribunal) Rules, 2025

Between:

*[full name in bold, upper case letters]*

Award Creditor

And

*[full name in bold upper case letters]*

Award Debtor

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**ORDER**  
(made without a hearing)

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Before ..... Registrar of the Supreme Court

Dated this ..... day of ..... A.D., 20...

UPON APPLICATION by Ex Parte Originating Application filed herein on .....  
20... by the Award Creditor.

AND UPON READING the Affidavit of the Award Creditor filed herein on .....  
20....

AND UPON the Court being satisfied that the provisions of the Supreme Court  
(Enforcement of Orders and Awards of the Industrial Tribunal) Rules, 2025 have been  
complied with

AND UPON it appearing to the Court that the [*Order*] of the Industrial Tribunal dated  
..... 20.... is not an order or award in respect of which leave must not be given  
under rule 6 the Supreme Court (Enforcement of Orders and Awards of the Industrial  
Tribunal) Rules, 2025

IT IS HEREBY ORDERED THAT:

1. The award creditor is given permission to enforce the [*Order*] of the Industrial Tribunal dated ..... 20.... through execution from this Court as if it were an order or judgment originally obtained and entered in this Court to the same effect.
2. The award debtor may within [*number*] days after the date of service of this Order apply to have this Order set aside.
3. The permission granted in paragraph 1 of this Order will not become operative until the expiration of the period mentioned in paragraph 2 of this Order or any additional period of time afforded to the award debtor to apply to have this Order set aside.
4. The award creditor shall serve a copy of this Order on the award debtor by [*insert directions as to service*].
5. The award debtor shall pay the award creditor's costs of the application, which are fixed in the amount of \$ [*state amount*].

**BY ORDER OF THE COURT**

**REGISTRAR**

*[Attach backing sheet]*