

THE HIGH COURT

JUDICIAL REVIEW

2021 No 669 JR

TUESDAY THE 21st DAY OF DECEMBER 2021

BEFORE MR JUSTICE MEENAN

BETWEEN

TOP SECURITY LIMITED, MORBURY LIMITED AND LAS
SECURITY LIMITED

Applicants

-and-

THE MINISTER FOR ENTERPRISE TRADE AND EMPLOYMENT,
THE LABOUR COURT,

THE SECURITY INDUSTRY JOINT LABOUR COMMITTEE
IRELAND AND THE ATTORNEY GENERAL

Respondents

Upon Motion of Counsel for the Applicant made unto the Court this day pursuant to Notice of Motion filed the 26TH day of July 2021 in the presence of Counsel for the Respondent

Whereupon and on reading the said Notice of Motion the Order herein dated the 19th day of July 2021 giving leave to the Applicant to apply for an Order of Certiorari by way of application for judicial review the Statement filed on the 14th day of July 2021 signed by the Solicitor for the Applicant the Affidavits of Emmet O' Rafferty and the Affidavit of Joe Moran herein filed on the 14th day of July 2021 and the exhibits therein referred

And on hearing what is offered by Counsel for the Applicant and it appearing that agreement has been reached

THE COURT DOTH MAKE THE FOLLOWING ORDERS:

1. An Order of *certiorari* of the decision of the Minister for Enterprise, Trade and Employment to approve an Employment Regulation Order in respect of the Security Industry.

2. An Order of *certiorari* of the decision of the Labour Court of 15 February 2021 to adopt proposals of the Security Industry Joint Labour Committee in respect of an Employment Regulation Order for the Security Industry.
3. And in lieu of directing that an Order of Certiorari do issue IT IS ORDERED that the aforesaid decisions and all records and entries relating thereto be quashed without further Order
4. The remittal of the proposal in respect of an Employment Regulation Order for the Security Industry to the Labour Court for a new decision.
5. A Direction that the proposal in respect of an Employment Regulation Order for the Security Industry be remitted to the point in time in the process which has occurred on 19 January 2021 with liberty to the Labour Court to request further submissions or direct the holding of another oral hearing, as it deems appropriate.
6. An order for the Applicants' reasonable costs to be adjudicated upon in default of agreement.

LISA SCOTT
REGISTRAR
PERFECTED: 21-12-21

Tom Casey
Solicitor for the Applicant

CSSO
Solicitor for the Respondents