

## **Court Rules Summary**

Not later than ten working days before the date fixed for the hearing of an appeal each party to the appeal shall furnish both the Court and the other party with a written submission setting out the factual and legal issues upon which the party intends to rely on appeal. Confirmation that submissions have been exchanged with the other side should be given to the Court.

Five copies of the submission should be furnished to the Court by the party concerned.

Where an appeal includes an appeal under the Unfair Dismissal Acts and the Employment Equality Acts the applicable rules in relation to submissions are outlined in Part 1 Rules 6 to 10. The submissions must contain the following (for ease of reference at the hearing of the appeal, all pages of a submission, including all appendices, must be numbered in sequential order):

### **Details of the claim under the Act,**

A concise statement of the factual background to the claim giving rise to the appeal,

Arguments in support of the case being made by the party making the submission. Any documents/documentary evidence upon which it is intended to rely shall be provided with the submission as appendices,

A summary of all legal arguments to be relied upon. Full copies of all legal authorities/precedents shall be appended to the submission,

The names of witnesses, if any, the party proposes to call to give evidence at the hearing of the appeal and a summary of the evidence which each witness is expected to give (hereinafter referred to as, 'a witness statement'). Copies of any documents that the witness intends to rely on shall be included as an appendix. This requirement for witness statements in advance is for scheduling purposes so that the Court is in a position to discern the significance and relevance of the evidence and determine the likely duration of the hearing,

While there is no standard format for a witness statement, the following details should be included: -

The witness statement should be a summary or outline of the evidence to be given in more detailed form at the hearing; It is sufficient that the witness statement contains a synopsis of the evidence rather than a full verbatim account of what the witness will say at the hearing,

The witness statement should only include events/incidents/actions that the person providing the evidence directly saw or heard or did,

The witness statement should contain precise dates, or date ranges (i.e. on or about), on which the referenced events/incidents occurred.

The following is an example of the type of witness statement that would, at a minimum, be acceptable:

Ms. X, [POSITION IN THE COMPANY], will give evidence in relation to the daily and weekly rest breaks given to the employee. The witness will confirm how and when rest breaks are taken, the practice within the company, the procedures in place to encourage employees to take their breaks and details of the company's records showing compliance with the statutory requirements.