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INDUSTRIAL RELATIONS ACT 1960 (SECTION 87)

INDUSTRIAL RELATIONS (REFEREE APPEAL) REGULATIONS 1966

ARRANGEMENT OF REGULATIONS

Regulation

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- The Schedule
-

[4 March 1966]

Citation

1. These Regulations are the Industrial Relations (Referee Appeal) Regulations 1966.

Appeal against decision of referee

2. Any party to a trade dispute who is aggrieved by the whole or part of the decision of a referee may appeal against the decision or such part of the decision within 14 days from the date of the decision by filing with the Court a notice of appeal in the manner set out in

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Form 1 in the Schedule and upon the payment of a filing fee of \$2. A copy of the notice of appeal must be served upon the respondent.

Registrar to forward transcript and grounds of decision to appellant

3. On the filing of the notice of appeal by the party aggrieved, the Registrar is to cause to be prepared the transcript of proceedings before the referee and is to, when the transcript of proceedings is ready, forward a certified copy of the transcript of proceedings together with the written grounds of decision of the referee to the appellant upon the payment by the appellant of the appropriate fees prescribed in the Second Schedule to the Industrial Relations Regulations 1960.

Appellant to file notice of discontinuance

4. If, after examining the transcript of proceedings and the written grounds of decision of the referee, the appellant decides not to proceed with the appeal, the appellant must file with the Court a notice of discontinuance in the manner set out in Form 2 in the Schedule and must serve a copy of the notice upon the respondent.

Appellant to file record of appeal, etc.

5. If the appellant decides to proceed with the appeal, he or she must within 21 days from the date of receipt of the transcript of proceedings and the written grounds of decision of the referee file with the Court 5 copies of the record of appeal (a copy of which is to be served by the Registrar upon the respondent) which must include the following:

- (a) a petition of appeal in the manner set out in Form 3 in the Schedule containing a brief statement of the facts of the case including the substance of the whole or such part of the decision appealed against and the particular grounds of appeal upon which the appellant relies;
- (b) the transcript of proceedings before the referee;
- (c) the written grounds of decision of the referee;

- (d) any relevant exhibit or other written document produced during the proceedings before the referee.

Registrar to set down appeal for hearing

6. On receipt of the record of appeal, the Registrar is to as soon as possible, in consultation with the Court, set down the appeal for hearing and determination.

Appellant to be heard first

7. Unless the Court otherwise directs, the appellant is first to be heard in support of the appeal and the respondent is to be heard against it and the appellant is to be entitled to reply.

No witness or additional ground allowed on appeal

8. At the hearing of the appeal no witness is allowed to be called by the parties concerned and the appellant is not allowed to adduce any additional ground of appeal.

Court to make order if appellant does not appear

9. If the appellant does not appear to support his or her appeal, the Court is to consider the appeal and may make such order on the appeal as it thinks fit.

Court to deliver its decision

10. Upon the conclusion of the hearing of the appeal, the Court is to either at once or within such extended time as in the special circumstances the Court considers necessary for the proper consideration of the appeal deliver its decision on the appeal.

THE SCHEDULE

FORM 1

Regulation 2

INDUSTRIAL RELATIONS ACT 1960

I.A.C. Referee Case No. of [*set out year*]

NOTICE OF APPEAL

Between Claimant

And Respondent.

In the matter of a trade dispute relating to —

....., the abovenamed *Claimant/Respondent gives Notice of Appeal against the decision of the Referee, Mr. delivered on [*set out date*] in the abovementioned case.

[*Set out below in numbered paragraphs the substance of the whole or part of the decision appeal against*].

Dated [*set out date*].

.....
*Claimant/Respondent.

*Delete whichever is inapplicable.

THE SCHEDULE — *continued*

FORM 2

Regulation 4

INDUSTRIAL RELATIONS ACT 1960

I.A.C. Referee Appeal Case No. of [*set out year*]

NOTICE OF DISCONTINUANCE

Between Appellant

And Respondent.

In the matter of a trade dispute relating to —

....., the abovenamed Appellant gives Notice of Discontinuance of the above appeal.

Dated [*set out date*].

.....
Appellant.

THE SCHEDULE — *continued*

FORM 3

Regulation 5

INDUSTRIAL RELATIONS ACT 1960

I.A.C. Referee Appeal Case No. of [*set out year*]

PETITION OF APPEAL

Between Appellant

And Respondent.

In the matter of a trade dispute relating to —

To: The Industrial Arbitration Court.

The Petition of abovenamed Appellant states as follows:

[Here set out in numbered paragraphs the nature of the trade dispute, facts of the case, and the decision of the Referee].

Your petitioner is dissatisfied with the said decision on the following grounds:

[Here set out in numbered paragraphs, the grounds of Appeal on which the appellant relies].

Your petitioner prays that such decision may be set aside or that the Court may grant such relief as is just and equitable upon the substantial merits of this Appeal as the Court considers fit.

Dated [*set out date*].

.....
Appellant.