

**THE HIGH COURT
JUDICIAL REVIEW 2019 No. 280 JR**

THURSDAY THE 15TH DAY OF AUGUST 2019
BEFORE MR JUSTICE MEENAN
BETWEEN

**NAISIUNTA LEICTREACH CONTRAITHEOIR ÉIREANN CUIDEACHTA FAOI
THEORAINN RÁTHAÍOCHTA**

APPLICANT

AND

**THE LABOUR COURT, THE MINISTER FOR BUSINESS, ENTERPRISE AND
INNOVATION,
IRELAND AND THE ATTORNEY GENERAL**

RESPONDENTS

Upon Motion of Counsel for the Applicant made unto the Court on the 6th day of June 2019 pursuant to Notice of Motion filed the 30th day of May 2019 seeking the following reliefs:

- “1. An interlocutory injunction prohibiting the perfection and/or commencement and/or coming into operation of the (draft) Sectoral Employment Order (Electrical Contracting Sector) 2019, pending the full determination and disposal of the issues raised within the above-entitled judicial review proceedings.
2. An Order directing the first named Respondent and/or the second named Respondent to provide to the Applicant:
 - i. a copy of the Recommendation made by the first defendant to the second named Defendant referred to within the (draft) Sectoral Employment Order (Electrical Contracting Sector) 2019;
 - ii. a copy of the Report used by the first named Respondent referred to within the (draft) Sectoral Employment Order (Electrical Contracting Sector) 2019;
3. Such further or other order as this Honourable Court may deem appropriate;
4. Costs.”

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Coming on for hearing on the 17th day of July 2019 (Cork sitting) in the presence of Counsel for the Applicant and Counsel for the Respondents and the hearing standing adjourned and transferred to Dublin and resuming on the 24th day of July 2019 and standing further adjourned and resuming on the 26th day of July 2019 in the presence of said Counsel

And on reading the said Notice and the Affidavit of John Smith grounding same filed on the 30th day of May 2019 and the Affidavit of Service thereof and on reading the pleadings therein and the written submissions of Counsel for the Applicant and the written submissions of Counsel for the Respondents

And on hearing Counsel for the Applicant and Counsel for the Respondents

The Court was pleased to reserve judgement therein

And the coming on for judgement in the presence of said Counsel and the Court having delivered same (unapproved)

IT IS ORDERED that the said Motion do stand **REFUSED SAVE FOR THE RELIEFS SOUGHT AT PARAGRAPH 3 OF THE NOTICE OF MOTION**

And on the undertaking of the Applicant as to damages and the Court noting that in the event the Applicant is unsuccessful in the proceedings that a stay would be lifted and payments back dated to the 1st September 2019

THE COURT DOTH STAY the implementation of so much of the Sectoral Employment Order (Electrical Contracting Sector) 2019 (S.I. No. 251/2019) as requires employers to enter their workers into a pension scheme as identified therein pending the determination of the proceedings

And Counsel for the Respondents having no instructions as to costs

THE COURT DOTH ADJOURN the question of costs of this said motion to the 9th day of October 2019 for mention

H.G. Carpendale & Co.
Solicitors for the Applicant

Chief State Solicitor for the Respondents