



VIRGIN ISLANDS

LABOUR CODE, 2010
(No. 4 of 2010)

LABOUR ARBITRATION TRIBUNAL

HOW TO FILE AN INTERLOCUTORY APPLICATION

06 October 2020

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1. An interlocutory application is a request for an order of the Tribunal to be made at any time after a complaint and before the final award, and includes an interlocutory application for costs before or after the final order or award, or any application to vary, suspend or set aside the final order or award, including to enforce that final order or award.
2. An interlocutory application should not be confused with an “originating application” which is an application where either the Labour Commissioner or the Attorney General is the Respondent, for example, when a person is dissatisfied with a decision of the Labour Commissioner.
3. The interlocutory application is made by filing a cover letter at the Office of the Tribunal addressed to the Secretary to the Tribunal at least 14 days before the case management hearing or any other date directed by the Tribunal.
4. If the applicant is represented by a legal practitioner, then it should be the legal practitioner’s cover letter and signed by the legal practitioner. However, if the applicant is unrepresented by a legal practitioner then it should be the applicant’s personal cover letter and signed by the applicant.
5. The cover letter should be accompanied by an affidavit or a statutory declaration to ensure that the information provided is accurate and truthful. For guidance on how to make an affidavit or a statutory declaration, see the Tribunal’s Guide on “*How to Produce Evidence before the Tribunal*”.
6. The cover letter and the affidavit or statutory declaration can be filed electronically by sending it by e-mail to: LAT@gov.vg.
7. The cover letter should indicate the order or orders that the applicant wants the Tribunal to grant, which would include any one or more of the following orders:
 - (a) to extend or shorten any time limit whether or not the time limit has expired;
 - (b) to put matters right for non-compliance with any rule or order of the Tribunal;
 - (c) to determine the jurisdiction of the Tribunal or to the arbitrability of a complaint, but this must be filed within 14 days after receiving the Notice of Hearing;
 - (d) to object for any justifiable reason to the appointment by the Minister of any member of the Tribunal;
 - (e) to substitute a party where that party has been dissolved, struck-off, merged with another entity;

- (f) to direct that the Tribunal provide an interpreter;
- (g) to direct that any person with a medically certified disability be afforded permitted accommodations;
- (h) to strike out a response or a reply;
- (i) to adjourn or bring forward a hearing date;
- (j) to dismiss the complaint;
- (k) to give evidence by video link or any other method of direct oral communication;
- (l) to vary, suspend or set aside any order or direction;
- (m) to file additional evidence;
- (n) to order a trial to be held in private;
- (o) to summon a witness;
- (p) to correct a clerical error;
- (q) to issue an enforcement order;
- (r) to discontinue proceedings where permission is required;
- (s) to express an award in a foreign currency;
- (t) to award costs; or
- (u) to determine a bill of costs between a legal practitioner and a client.

8. The cover letter should also indicate the reason or reasons the Tribunal should grant the order or orders requested.
9. A person filing an interlocutory application should also consider the possibility of having to pay the costs of the other party if the interlocutory application is not granted, or to compensate for any prejudice to the other party.
10. A person may file an opposition to an interlocutory application 7 days before the case management hearing or any other date directed by the Tribunal, but if none is filed, then the Tribunal may make an order without a hearing. For guidance on how to oppose an interlocutory application, see the Tribunal's Guide on "*How to Oppose an Interlocutory Application*."
11. The cover letter must be typewritten in English on letter size paper, preferably double sided, using a font size of 12 pt. in Times New romans or a similar font.