

5. Notices of intention to take industrial action

- (1) A notice under section 79 (1) of the Act of intention to take industrial action is to be —
 - (a) in the form of Form 3 in Schedule 1; and
 - (b) served on a party —
 - (i) by delivering it to the party personally;
 - (ii) by sending it by registered post to the party's usual or last known place of abode, or if he or she is the principal of a business, at the party's usual or last known place of business;
 - (iii) where the party is a corporation or an association of persons (whether incorporated or not), by delivering or leaving the notice or sending the notice by registered post, addressed in each case to the corporation or association at its principal place of business or principal office in the State; or
 - (iv) by sending it by facsimile transmission to the party's facsimile machine number.
- (2) Unless the contrary is proved, service by registered post is to be treated as being effected at the time when the post would have been delivered in the ordinary course of delivery of registered post.
- (3) Where the notice is sent by facsimile transmission, service of the notice is to be treated as being effected upon completion of the transmission unless it is subsequently established by the party to be served that the notice was not in fact received by the party's facsimile machine or that the facsimile received was not legible or complete.

[Regulation 5 amended in Gazette 9 June 1998 p.3146.]