

1981 No. 188

INDUSTRIAL TRIBUNALS**Industrial Tribunals (Rules of Procedure) Regulations
(Northern Ireland) 1981***Made* 10th June 1981*Coming into operation* 1st August 1981**ARRANGEMENT OF REGULATIONS AND RULES****REGULATIONS**

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The Department of Manpower Services in exercise of the powers conferred on it by Article 59 of the Industrial Relations (Northern Ireland) Order 1976(a), and of every other power enabling it in that behalf, hereby makes the following Regulations:—

(a) S.I. 1976/1043 (N.I. 16) as amended by S.I. 1976/2147 (N.I. 28) and S.R. 1977 No. 177 — this Article was brought into operation on 1st October 1976 by S.R. 1976 No. 218 (C. 11)

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Industrial Tribunals (Rules of Procedure) Regulations (Northern Ireland) 1981 and shall come into operation on 1st August 1981.

(2) The Industrial Tribunals (Industrial Relations) Regulations (Northern Ireland) 1976(a), the Industrial Tribunals (Industrial Relations) (Amendment) Regulations (Northern Ireland) 1977(b) and the Industrial Tribunals (Industrial Relations) (Amendment) Regulations (Northern Ireland) 1979(c) are hereby revoked except in relation to proceedings instituted before the coming into operation of these Regulations.

Interpretation

2. In these Regulations—

“the Act of 1965” means the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965(d);

“the Order of 1976” means the Industrial Relations (Northern Ireland) Order 1976;

“applicant” means a person who in pursuance of Rule 1 has presented an originating application to the Secretary of the Tribunals for a decision of a tribunal and includes—

(a) the Department,

(b) a claimant or complainant, and

(c) in relation to interlocutory applications under these Rules, a person who seeks any relief;

“the Agency” means the Labour Relations Agency;

“the clerk to the tribunal” means the person appointed by the Secretary of the Tribunals to act in that capacity at one or more hearings;

“the Commission” means the Equal Opportunities Commission for Northern Ireland established under Article 54 of the Sex Discrimination (Northern Ireland) Order 1976(e);

“decision” in relation to a tribunal includes a declaration, an order (other than an interlocutory order), a recommendation or an award of the tribunal, but does not include an opinion given pursuant to a pre-hearing assessment held under Rule 6;

“Department” means the Department of Manpower Services;

“hearing” means a sitting of a tribunal duly constituted for the purpose of receiving evidence, hearing addresses and witnesses or doing anything lawfully requisite to enable the tribunal to reach a decision on any question;

“the Office of the Tribunals” means the Central Office of the Industrial Tribunals;

“the panel of chairmen” means the panel of persons, being barristers or solicitors of not less than seven years’ standing, appointed by the Department in pursuance of Regulation 3(2) of the Industrial Tribunals Regulations (Northern Ireland) 1965(f);

(a) S.R. 1976 No. 262

(b) S.R. 1977 No. 54

(c) S.R. 1979 No. 306

(d) 1965 c. 19 (N.I.)

(e) S.I. 1976/1042 (N.I. 15) — this Article was brought into operation on 1st September 1976 by S.R. 1976 No. 244 (c. 15)

(f) S.R. & O. (N.I.) 1965 No. 112 as amended by S.R. & O. (N.I.) 1966 No. 261 and S.R. & O. (N.I.) 1967 No. 109

“the President” means the President of the Industrial Tribunals or the person nominated by the Department to discharge for the time being the functions of the President;

“Register” means the Register of Applications and Decisions kept in pursuance of these Regulations;

“respondent” means a party to the proceedings before a tribunal other than the applicant, and other than the Department in proceedings under the Act of 1965 in which it is not cited as the person against whom relief is sought;

“Rule” means a Rule of Procedure contained in the Schedule to these Regulations;

“the Secretary of the Tribunals” means the person for the time being acting as the Secretary of the Office of the Tribunals;

“tribunal” means an industrial tribunal established in pursuance of the Industrial Tribunals Regulations (Northern Ireland) 1965 and in relation to any proceedings means the tribunal to which the proceedings have been referred by the President.

Proceedings of tribunals

3. Except where separate Rules of Procedure made under any statutory provision are applicable, the Rules of Procedure contained in the Schedule shall have effect in relation to all proceedings before a tribunal where—

- (a) the respondent or one of the respondents resides or carries on business in Northern Ireland; or
- (b) had the remedy been by way of action in the county court, the cause of action would have arisen wholly or in part in Northern Ireland; or
- (c) the proceedings are to determine a question which has been referred to the tribunal by a court in Northern Ireland.

Proof of decision of tribunals

4. The production in any proceedings in any court of a document purporting to be certified by the Secretary of the Tribunals to be a true copy of an entry of a decision in the Register shall, unless the contrary is proved, be sufficient evidence of the document and of the facts stated therein.

Sealed with the Official Seal of the Department of Manpower Services for Northern Ireland on 10th June 1981.

(L.S.)

T. Pearson

Assistant Secretary

RULES OF PROCEDURE

Originating application

1.—(1) Proceedings for the determination of any matter by a tribunal shall be instituted by the applicant presenting to the Secretary of the Tribunals an originating application which shall be in writing and shall set out—

- (a) the name and address of the applicant; and
- (b) the names and addresses of the person or persons against whom relief is sought; and
- (c) the grounds with particulars thereof on which that relief is sought.

(2) Where the Secretary of the Tribunals is of the opinion that the originating application does not seek or on the facts stated therein cannot entitle the applicant to a relief which a tribunal has power to give, he may give notice to that effect to the applicant stating the reasons for his opinion and informing him that the application will not be registered unless he states in writing that he wishes to proceed with it.

(3) An application as respects which a notice has been given in pursuance of the preceding paragraph shall not be treated as having been received for the purposes of Rule 2 unless the applicant intimates in writing to the Secretary of the Tribunals that he wishes to proceed with it; and upon receipt of such an intimation the Secretary of the Tribunals shall proceed in accordance with that Rule.

(4) Where the applicant does not intimate in writing to the Secretary of the Tribunals that he wishes to proceed with the application the non-registration of the application shall be without prejudice to any right of the applicant to make a further application to a tribunal.

Action upon receipt of originating application

2. Upon receiving an originating application the Secretary of the Tribunals shall enter particulars of it in the Register and shall forthwith send a copy of it to the respondent and inform the parties in writing of the case number of the originating application entered in the Register (which shall thereafter constitute the title of the proceedings) and of the address to which notices and other communications to the Secretary of the Tribunals shall be sent. Every copy of the originating application sent by the Secretary of the Tribunals under this paragraph shall be accompanied by a written notice which shall include information, as appropriate to the case, about the means and time for entering an appearance, the consequences of failure to do so, and the right to receive a copy of the decision. The Secretary of the Tribunals shall notify the parties that in all cases under any statutory provision providing for conciliation the conciliation services of the Agency are available to them.

Appearance by respondent

3.—(1) A respondent shall within 14 days of receiving the copy originating application enter an appearance to the proceedings by presenting to the Secretary of the Tribunals a written notice of appearance setting out his full name and address and stating whether or not he intends to resist the application and, if so, setting out sufficient particulars to show on what grounds. Upon receipt of a notice of appearance the Secretary of the Tribunals shall forthwith send a copy of it to any other party.

(2) A respondent who has not entered an appearance shall not be entitled to take any part in the proceedings except—

- (i) to apply under Rule 13(1) for an extension of the time appointed by this Rule for entering an appearance;
- (ii) to make an application under Rule 4(1)(i);
- (iii) to make an application under Rule 10(2) in respect of Rule 10(1)(b);
- (iv) to be called as a witness by another person;
- (v) to be sent a copy of a decision or specification of reasons or corrected decision or specification in pursuance of Rule 9(3), 9(7) or 10(5).

(3) A notice of appearance which is presented to the Secretary of the Tribunals after the time appointed by this Rule for entering appearances shall be deemed to include an application under Rule 13(1) (by the respondent who has presented the notice of appearance) for an extension of the time so appointed. Without prejudice to Rule 13(4), if the tribunal grants the application (which it may do notwithstanding that the grounds of the application are not stated) the Secretary of the Tribunals shall forthwith send a copy of the notice of appearance to any other party. The tribunal shall not refuse an extension of time under this Rule unless it has sent notice to the person wishing to enter an appearance giving him an opportunity to show cause why the extension should be granted.

Power to require further particulars and attendance of witnesses and to grant discovery

4.—(1) A tribunal may—

- (a) subject to Rule 3(2), on the application of a party to the proceedings made either by notice to the Secretary of the Tribunals or at the hearing of the originating application, or
- (b) in relation to sub-paragraph (i) of this paragraph, if it thinks fit of its own motion—
 - (i) require a party to furnish in writing to the person specified by the tribunal further particulars of the grounds on which he or it relies and of any facts and contentions relevant thereto;
 - (ii) grant to the person making the application such discovery or inspection (including the taking of copies) of documents as might be granted by a county court; and
 - (iii) require the attendance of any person (including a party to the proceedings) as a witness or require the production of any document relating to the matter to be determined, wherever such witness may be within Northern Ireland;

and may appoint the time at or within which or the place at which any act required in pursuance of this Rule is to be done.

(2) A party on whom a requirement has been made under paragraph (1)(i) or (1)(ii) on an *ex parte* application, or (in relation to a requirement under paragraph (1)(i)) on the tribunal's own motion, and a person on whom a requirement has been made under paragraph (1)(iii) may apply to the tribunal by notice to the Secretary of the Tribunals before the appointed time at or within which the requirement is to be complied with to vary or set aside the requirement. Notice of an application under this paragraph to vary or set aside a requirement shall be given to the parties (other than the party making the application) and, where appropriate, in proceedings which may involve payments out of the Northern Ireland Redundancy Fund or the Northern Ireland Maternity Pay Fund, the Department if not a party.

(3) Every document containing a requirement under paragraph (1)(ii) or (1)(iii) shall contain a reference to the fact that under Article 59(11) of the Order of 1976 any person who without reasonable excuse fails to comply with any such requirement shall be liable on summary conviction to a fine not exceeding £100.

(4) If the requirement under paragraph (1)(i) or (1)(ii) is not complied with, a tribunal, before or at the hearing, may dismiss the originating application, or, as the case may be, strike out the whole or part of the notice of appearance, and, where appropriate, direct that a respondent shall be debarred from defending altogether: Provided that a tribunal shall not so dismiss or strike out or give such a direction unless it has sent notice to the party who has not complied with the requirement giving him an opportunity to show cause why such should not be done.

Time and place of hearing and appointment of assessor

5.—(1) The President shall fix the date, time and place of the hearing of the originating application and the Secretary of the Tribunals shall (subject to Rule 3(2)) not less than 14 days (or such shorter time as may be agreed by him with the parties) before the date so fixed send to each party a notice of hearing which shall include information and guidance as to attendance at the hearing, witnesses and the bringing of documents (if any), representation by another person and written representations.

(2) Where in the case of any proceedings it is provided for one or more assessors to be appointed, the President may, if he thinks fit, appoint a person or persons having special knowledge or experience in relation to the subject matter of the originating application to sit with the tribunal as assessor or assessors.

Pre-hearing assessment

6.—(1) A tribunal may at any time before the hearing (either, subject to Rule 3(2), on the application of a party to the proceedings made by notice to the Secretary of the Tribunals or of its own motion) consider, by way of a pre-hearing assessment, the contents of the originating application and entry of appearance, any representations in writing which have been submitted and any oral argument advanced by or on behalf of a party.

(2) If upon a pre-hearing assessment, the tribunal considers that the originating application is unlikely to succeed or that the contentions or any particular contention of a party appear to have no reasonable prospect of success, it may indicate that in its opinion, if the originating application shall not be withdrawn or the contentions or contention of the party shall be persisted in up to or at the hearing, the party in question may have an order for costs made against him at the hearing under the provisions of Rule 11. A pre-hearing assessment shall not take place unless the tribunal has sent notice to the parties to the proceedings giving them (and, where appropriate, in proceedings which may involve payments out of the Northern Ireland Redundancy Fund or the Northern Ireland Maternity Pay Fund, the Department, if not a party) an opportunity to submit representations in writing and to advance oral argument at the pre-hearing assessment if they so wish.

(3) Any indication of opinion made in accordance with paragraph (2) shall be recorded in a document signed by the chairman a copy of which shall be sent to the parties to the proceedings and a copy of which shall be available to the tribunal at the hearing.

(4) Where a tribunal has indicated its opinion in accordance with paragraph (2) no member thereof shall be a member of the tribunal at the hearing.

The hearing

7.—(1) Any hearing of or in connection with an originating application shall take place in public unless in the opinion of the tribunal a private hearing is appropriate for the purpose of hearing evidence which relates to matters of such a nature that it would be against the interests of national security, public safety or public order to allow the evidence to be given in public or hearing evidence from any person which in the opinion of the tribunal is likely to consist of—

- (a) information which he could not disclose without contravening a prohibition imposed by or under any statutory provision; or
- (b) any information which has been communicated to him in confidence, or which he has otherwise obtained in consequence of the confidence reposed in him by another person; or
- (c) information the disclosure of which would cause substantial injury to any undertaking of his or any undertaking in which he works for reasons other than its effect on negotiations with respect to any of the matters mentioned in Article 3(1) of the Order of 1976.

(2) Subject to Rule 3(2), if a party shall desire to submit representations in writing for consideration by a tribunal at the hearing of the originating application that party shall present such representations to the Secretary of the Tribunals not less than 7 days before the hearing and shall at the same time send a copy to the other party or parties.

(3) Where a party has failed to attend or be represented at the hearing (whether or not he has sent any representations in writing) the contents of his originating application or, as the case may be, of his entry of appearance may be treated by a tribunal as representations in writing.

(4) The Department if it so elects shall be entitled to apply under Rule 4(1), 13(1) and (2), and 15, and to appear as if it were a party and be heard at any hearing of or in connection with an originating application in proceedings in which it is not a party which may involve payments out of the Northern Ireland Redundancy Fund or the Northern Ireland Maternity Pay Fund.

(5) Subject to Rule 3(2), at any hearing of or in connection with an originating application a party and any person entitled to appear may appear before the tribunal and may be heard in person or be represented by counsel or by a solicitor or by a representative of a trade union or an employers' association or by any other person whom he desires to represent him.

Procedure at hearing

8.—(1) The tribunal shall conduct the hearing in such manner as it considers most suitable to the clarification of the issues before it and generally to the just handling of the proceedings; it shall so far as appears to it appropriate seek to avoid formality in its proceedings and it shall not be bound by any statutory provisions or rule of law relating to the admissibility of evidence in proceedings before the courts of law.

(2) Subject to paragraph (1), at the hearing of the originating application a party (unless disentitled by virtue of Rule 3(2)), the Department (if, not being a party, it elects to appear as provided in Rule 7(4)) and any other person entitled to appear shall be entitled to give evidence, to call witnesses, to question any witnesses and to address the tribunal.

(3) If a party shall fail to appear or to be represented at the time and place fixed for the hearing, the tribunal may, if that party is an applicant dismiss, or, in any case, dispose of the application in the absence of that party or may adjourn the hearing to a later date: Provided that before deciding to dismiss or disposing of any application in the absence of a party the tribunal shall consider any representations submitted by that party in pursuance of Rule 7(2).

(4) A tribunal may require any witness to give evidence on oath or affirmation and for that purpose there may be administered an oath or affirmation in due form.

Decision of tribunal

9.—(1) A decision of a tribunal may be taken by a majority thereof and, if the tribunal shall be constituted of two members only, the chairman shall have a second or casting vote.

(2) The decision of a tribunal shall be recorded in a document signed by the chairman which shall contain the reasons for the decision.

(3) The clerk to the tribunal shall transmit the document signed by the chairman to the Secretary of the Tribunals who shall as soon as may be enter it in the Register and shall send a copy of the entry to each of the parties and to the persons entitled to appear who did so appear and, where the originating application was sent to a tribunal by a court, to that court.

(4) The specification of the reasons for the decision shall be omitted from the Register in any case in which evidence has been heard in private and the tribunal so directs and in that event a specification of the reasons shall be sent to the parties and to any superior court in any proceedings relating to such decision together with the copy of the entry.

(5) The Register shall be kept at the Office of the Tribunals and shall be open to the inspection of any person without charge at all reasonable hours.

(6) Clerical mistakes in documents recording the tribunal's decisions, or errors arising in them from an accidental slip or omission, may at any time be corrected by the chairman by certificate under his hand.

(7) The clerk to the tribunal shall send a copy of any document so corrected and the certificate of the chairman to the Secretary of the Tribunals who shall as soon as may be make such correction as may be necessary in the Register and shall send a copy of the corrected entry or of the corrected specification of the reasons, as the case may be, to each of the parties and to the persons entitled to appear who did so appear and, where the originating application was sent to the tribunal by a court, to that court.

(8) If any decision is—

- (a) corrected under paragraph (6),
- (b) reviewed, revoked or varied under Rule 10, or
- (c) altered in any way by order of a superior court,

the Secretary of the Tribunals shall alter the entry in the Register to conform with any such certificate or order and shall send a copy of the new entry to each of the parties and to the persons entitled to appear who did so appear and where the originating application was sent to the tribunal by a court, to that court.

Review of tribunal's decisions

10.—(1) A tribunal shall have power to review and to revoke or vary by certificate under the chairman's hand any decision on the grounds that—

- (a) the decision was wrongly made as a result of an error on the part of the tribunal staff; or
- (b) a party did not receive notice of the proceedings leading to the decision; or
- (c) the decision was made in the absence of a party or person entitled to be heard; or
- (d) new evidence has become available since the making of the decision provided that its existence could not have been reasonably known of or foreseen; or
- (e) the interests of justice require such a review.

(2) An application for the purposes of paragraph (1) may be made at the hearing. If the application is not made at the hearing, such application shall be made to the Secretary of the Tribunals at any time from the date of the hearing until 14 days after the date on which the decision was sent to the parties and must be in writing stating the grounds in full.

(3) An application for the purposes of paragraph (1) may be refused by the President or by the chairman of the tribunal which decided the case if in his opinion it has no reasonable prospect of success.

(4) If such an application is not refused under paragraph (3) it shall be heard by the tribunal which decided the case or—

- (a) where it is not practicable for it to be heard by that tribunal, or
- (b) where the decision was made by a chairman acting alone under Rule 12(4),

by a tribunal appointed by the President, and if it is granted the tribunal shall either vary the decision or revoke the decision and order a re-hearing.

(5) The clerk to the tribunal shall send to the Secretary of the Tribunals the certificate of the chairman as to any revocation or variation of the tribunal's decision under this Rule. The Secretary of the Tribunals shall as soon as may be make such correction as may be necessary in the Register and shall send a copy of the entry to each of the parties and to the persons entitled to appear who did so appear and where the originating application was sent to a tribunal by a court, to that court.

Costs

11.—(1) Subject to paragraphs (2) and (3), a tribunal shall not normally make an award in respect of the costs or expenses incurred by a party to the proceedings but where in its opinion a party (and if he is a respondent whether or not he has entered an appearance) has in bringing or conducting the proceedings acted frivolously, vexatiously or otherwise unreasonably the tribunal may make—

- (a) an order that that party shall pay to another party (or to the Department if, not being a party, it has acted as provided in Rule 7(4)) either a specified sum in respect of the costs or expenses incurred by that other party (or, as the case may be, by the Department) or the whole or part of those costs or expenses as taxed (if not otherwise agreed);
- (b) an order that that party shall pay to the Department the whole, or any part, of any allowances (other than allowances paid to members of tribunals or assessors) paid by the Department under section 13(3) of the Industrial Training Act (Northern Ireland) 1964(a) (as amended by section 52(5) of the Act of 1965) to any person for the purposes of, or in connection with, his attendance at the tribunal.

(2) Where the tribunal has on the application of a party to the proceedings postponed the day or time fixed for or adjourned the hearing, the tribunal may make orders against or, as the case may require, in favour of that party as at paragraph (1)(a) and (b) as respects any costs or expenses incurred or any allowances paid by that party as a result of the postponement or adjournment.

(3) Where, on a complaint of unfair dismissal in respect of which—

- (i) the applicant has expressed a wish to be reinstated or re-engaged which has been communicated to the respondent at least 7 days before the hearing of the complaint, or

(a) 1964 c. 18 (N.I.)

- (ii) the proceedings arise out of the respondent's failure to permit the applicant to return to work after an absence due to pregnancy or confinement,

any postponement or adjournment of the hearing has been caused by the respondent's failure, without a special reason, to adduce reasonable evidence as to the availability of the job from which the applicant was dismissed, or, as the case may be, which she held before her absence, or of comparable or suitable employment, the tribunal shall make orders against that respondent as at paragraph (1)(a) and (b) as respects any costs or expenses incurred or any allowances paid as a result of the postponement or adjournment.

(4) Any costs required by an order under this Rule to be taxed may be taxed in the county court according to such of the scales prescribed by the county court rules for proceedings in the county court as shall be directed by the order.

Miscellaneous powers of tribunal

12.—(1) Subject to the provisions of these Rules, a tribunal may regulate its own procedure.

(2) A tribunal may, if it thinks fit, —

- (a) extend the time appointed by or under these Rules for doing any act notwithstanding that the time appointed may have expired;
- (b) postpone the day or time fixed for, or adjourn, any hearing (particularly as respects cases under the provisions of any statutory provision providing for conciliation for the purpose of giving an opportunity for the complaint to be settled by way of conciliation and withdrawn);
- (c) if the applicant shall at any time give notice of the withdrawal of his originating application, dismiss the proceedings;
- (d) if both or all the parties (and the Department, if, not being a party, it has acted as provided in Rule 7(4)) agree in writing upon the terms of a decision to be made by the tribunal, decide accordingly;
- (e) at any stage of the proceedings order to be struck out or amended any originating application or notice of appearance or anything in such application or notice of appearance on the grounds that it is scandalous, frivolous or vexatious;
- (f) on the application of the respondent, or of its own motion, order to be struck out any originating application for want of prosecution: Provided that before making any order under (e) or (f) above the tribunal shall send notice to the party against whom it is proposed that any such order should be made giving him an opportunity to show cause why such an order should not be made.

(3) Subject to Rule 4(2), a tribunal may, if it thinks fit, before granting an application under Rule 4 or Rule 13 require the party (or, as the case may be, the Department) making the application to give notice of it to the other party or parties. The notice shall give particulars of the application and indicate the address to which and the time within which any objection to the application shall be made being an address and time specified for the purposes of the application by the tribunal.

(4) Any act other than the holding of a pre-hearing assessment under Rule 6, the hearing of an originating application, or the making of an order under Rule 10(1), required or authorised by these Rules to be done by a tribunal may be done by, or on the direction of, the President or the chairman of the tribunal, or any chairman being a member of the panel of chairmen.

(5) Rule 11 shall apply to an order dismissing proceedings under paragraph (2)(c).

Extension of time and directions

13.—(1) An application to a tribunal for an extension of the time appointed by these Rules for doing any act may be made by a party either before or after the expiration of any time so appointed.

(2) Subject to Rule 3(2), a party may at any time apply to a tribunal for directions on any matter arising in connection with the proceedings.

(3) An application under the foregoing provisions of this Rule shall be made by presenting to the Secretary of the Tribunals a notice of application, which shall state the title of the proceedings and shall set out the grounds of the application.

(4) The Secretary of the Tribunals shall give notice to both or all the parties (subject to Rule 3(2)) of any extension of time granted under Rule 12(2)(a) or any directions given in pursuance of this Rule.

Joinder and representative respondents

14.—(1) A tribunal may at any time either upon the application of any person or, where appropriate of its own motion, direct any person against whom any relief is sought to be joined as a party to the proceedings, and give such consequential directions as it considers necessary.

(2) A tribunal may likewise, either upon such application or of its own motion, order that any respondent named in the originating application or subsequently added, who shall appear to the tribunal not to have been, or to have ceased to be, directly interested in the subject of the originating application, be dismissed from the proceedings.

(3) Where there are numerous persons having the same interest in an originating application, one or more of them may be cited as the person or persons against whom relief is sought, or may be authorised by the tribunal, before or at the hearing, to defend on behalf of all the persons so interested.

Consolidation of proceedings

15. Where there are pending before the industrial tribunals two or more originating applications, then, if at any time upon the application of a party or of its own motion it appears to a tribunal that—

- (a) some common question of law or fact arises in both or all the originating applications, or
- (b) the relief claimed therein is in respect of or arises out of the same set of facts, or
- (c) for some other reason it is desirable to make an order under this Rule,

the tribunal may order that some (as specified in the order) or all of the originating applications shall be considered together, and may give such consequential directions as may be necessary: Provided that the tribunal shall not make an order under this Rule without sending notice to all parties concerned giving them an opportunity to show cause why such an order should not be made.

Notices, etc.

16.—(1) Any notice given under these Rules shall be in writing.

(2) All notices and documents required by these Rules to be presented to the Secretary of the Tribunals may be presented at the Office of the Tribunals or such other office as may be notified by the Secretary of the Tribunals to the parties.

(3) All notices and documents required or authorised by these Rules to be sent or given to any person hereinafter mentioned may be sent by post (subject to paragraph (5)) or delivered to or at—

- (a) in the case of a notice or document directed to the Department in proceedings to which it is not a party, the offices of the Department at Netherleigh, Massey Avenue, Belfast BT4 2JP or such other office as may be notified by the Department;
- (b) in the case of a notice or document directed to a court, the office of the clerk of the court;
- (c) in the case of a notice or document directed to a party:—
 - (i) his address for service specified in the originating application or in a notice of appearance or in a notice under paragraph (4); or
 - (ii) if no address for service has been so specified, his last known address or place of business in the United Kingdom or, if the party is a corporation, the corporation's registered or principal office in the United Kingdom or, in any case, at such address or place outside the United Kingdom as the President may allow;
- (d) in the case of a notice or document directed to any person (other than a person specified in the foregoing provisions of this paragraph), his address or place of business in the United Kingdom, or if such a person is a corporation, the corporation's registered or principal office in the United Kingdom;

and if sent or given to the authorised representative of a party shall be deemed to have been sent or given to that party.

(4) A party may at any time by notice to the Secretary of the Tribunals and to the other party or parties (and, where appropriate, to the Agency) change his address for service under these Rules.

(5) The recorded delivery service shall be used instead of the ordinary post:—

(a) when a second set of documents or notices is to be sent to a respondent who has not entered an appearance under Rule 3(1);

(b) for a service of an order made under Rule 4(1)(iii) requiring the attendance of a witness or the production of a document.

(6) Where for any sufficient reason service of any document or notice cannot be effected in the manner prescribed under this Rule, the President may make an order for substituted service in such manner as he may deem fit and such service shall have the same effect as service in the manner prescribed under this Rule.

(7) In proceedings brought under the provisions of any statutory provision providing for conciliation the Secretary of the Tribunals shall send copies of all documents and notices to the Agency.

(8) In proceedings which may involve payments out of the Northern Ireland Redundancy Fund or the Northern Ireland Maternity Pay Fund, the Secretary of the Tribunals shall where appropriate, send copies of all documents and notices to the Department notwithstanding the fact that it may not be a party to such proceedings.

(9) In proceedings under the Equal Pay Act (Northern Ireland) 1970(a) or the Sex Discrimination (Northern Ireland) Order 1976(b) the Secretary of the Tribunals shall send to the Commission copies of all documents sent to the parties under Rule 9(3), (7) and (8) and Rule 10(5).

(a) 1970 c. 32 (N.I.)

(b) S.I. 1976/1042 (N.I. 15)

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations regulate the procedure of industrial tribunals for Northern Ireland in relation to all proceedings under any statutory provision instituted on or after 1st August 1981 except those where separate Rules of Procedure, made under the provisions of any statutory provision, are applicable (there are currently separate Rules of Procedure in relation to proceedings brought under the Industrial Training Act (Northern Ireland) 1964 (industrial training levy appeals), the Health and Safety at Work (Northern Ireland) Order 1978 (improvement and prohibition notices appeals) and the Sex Discrimination (Northern Ireland) Order 1976 (non-discrimination notices appeals)).

These Regulations are in place of the Industrial Tribunals (Industrial Relations) Regulations (Northern Ireland) 1976 as amended.