

SCHEDULE 3

Industrial Tribunals (Levy Appeals) Rules of Procedure 1996 *For use in proceedings in levy appeals*

Decision of tribunal

11.—(1) Where a tribunal is composed of three members its decision may be taken by a majority; and if a tribunal is composed of two members only, the chairman shall have a second or casting vote.

(2) The decision of a tribunal, which may be given orally at the end of a hearing or reserved, shall be recorded in a document signed by the chairman, and that document shall specify the reasons for the decision.

(3) The clerk shall send the document referred to in paragraph (2) to the Secretary who shall enter it in the Register, and shall send a copy of the entry to the appellant and the Board.

(4) The specification of the reasons for the decision shall be omitted from the Register in any case in which—

- (a) the Secretary of State has directed the tribunal, in accordance with Article 59(4A) of the No. 1 Order, to sit in private on grounds of national security;
- (b) evidence has been heard in private and the tribunal so directs; or
- (c) the tribunal on the application of the appellant so directs on the ground that disclosure will be contrary to the interests of the appellant,

and in that event a specification of the reasons shall be sent to the appellant and the Board, and to any superior court in any proceedings relating to the decision, together with the copy of the entry in the Register of the document referred to in paragraph (2).

(5) Clerical mistakes in the document referred to in paragraph (2) or errors arising therein from any accidental slip or omission, may at any time be corrected by the chairman by certificate under his hand.

(6) If a document is corrected by certificate under paragraph (5) the Secretary shall alter any entry in the Register and shall send a copy of any entry so corrected to the appellant and the Board.

(7) Where this rule requires a document to be signed by the chairman of a tribunal composed of three or two persons, but by reason of death or incapacity the chairman is unable to sign it, the document shall be signed by the other members or member of the tribunal, who shall certify that the chairman is unable to sign.