

### SCHEDULE 3

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

##### **The hearing**

9.—(1) Any hearing of an appeal shall be heard by a tribunal composed in accordance with Article 58A(1), (2), (3) or (7) of the No. 1 Order<sup>(1)</sup>.

(2) Any hearing of or in connection with an appeal shall take place in public except where the Secretary of State has directed a tribunal to sit in private on grounds of national security in accordance with Article 59(4A) of the No. 1 Order<sup>(2)</sup>.

(3) Notwithstanding paragraph (2), a tribunal may sit in private, if, on the application of the appellant or the Board, the tribunal considers it appropriate to do so, for the purpose of hearing evidence—

- (a) which in the opinion of the tribunal relates to matters of such a nature that it would be against the interests of national security to allow the evidence to be given in public; or
- (b) from any person which in the opinion of the tribunal is likely to consist of—
  - (i) information which he could not disclose without contravening a prohibition imposed by or under any statutory provision; or
  - (ii) 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
  - (iii) 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 No. 1 Order.

(4) If the appellant or the Board wishes to submit written representations for consideration by a tribunal at the hearing of the originating application they shall send the representations to the Secretary not less than 7 days before the hearing and shall at the same time send a copy to the other party.

---

(1) As inserted by S.I. 1993/2668 (N.I. 11) Article 14

(2) As inserted by S.I. 1993/2668 (N.I. 11) Schedule 5 paragraph 1