

## SCHEDULE 4

### Industrial Tribunals (Improvement and Prohibition Notices Appeals) Rules of Procedure 1996 *For use in proceedings on an appeal against an improvement notice or prohibition notice*

#### **Decision of tribunal**

9.—(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 which 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 each of the parties.

(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; or
- (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 such a case, the Secretary shall send a specification of the reasons to each of the parties and to any superior court in any proceedings relating to such 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) or if a decision is—

- (a) reviewed, revoked or varied under the Chairman's hand under rule 10; or
- (b) altered in any way by order of a superior court,

the Secretary shall alter the entry in the Register to conform with any such certificate or order and shall send a copy of the entry so altered to each of the parties.

(7) Where a document omitted from the Register pursuant to paragraph (4) is corrected by certificate under paragraph (5), the Secretary shall send a copy of the corrected document to each of the parties; and where there are proceedings before any superior court relating to the decision in question, he shall send a copy to that court together with a copy of the entry in the Register of the document referred to in paragraph (2), if it has been altered under paragraph (6).

(8) 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.