

SCHEDULE 5

Industrial Tribunals (Non-Discrimination Notices Appeals) Rules of Procedure 1996 *For use in proceedings on an appeal against a non-discrimination notice*

Miscellaneous powers

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

(2) A tribunal may—

- (a) postpone the day or time fixed for, or adjourn, any hearing;
- (b) before granting an application under rule 3(1) or rule 8(1) require the party making the application to give notice thereof to the other party;
- (c) either on the application of any person or of its own motion, direct any other person to be joined as a party to the appeal (giving such consequential directions as it considers necessary), but may do so only after having given to the person proposed to be joined a reasonable opportunity of making written or oral objection;
- (d) make any necessary amendments to the description of a party in the Register and in other documents relating to the appeal;
- (e) if the appellant shall at any time give notice of the abandonment of his appeal, dismiss the appeal;
- (f) if the parties agree in writing upon the terms of a decision to be made by the tribunal, decide accordingly;
- (g) subject to paragraph (3), at any stage of the proceedings, order to be struck out or amended any notice of appeal, or anything in such notice of appeal, on the grounds that it is scandalous, frivolous or vexatious;
- (h) subject to paragraph (3), at any stage of the proceedings, order to be struck out any notice of appeal on the grounds that the manner in which the proceedings have been conducted by or on behalf of the applicant has been scandalous, frivolous or vexatious; and
- (i) subject to paragraph (3), on the application of the respondent, or of its own motion, order a notice of appeal to be struck out for want of prosecution.

(3) Before making an order under sub-paragraph (g), (h) or (i) of paragraph (2) the tribunal shall send notice to the party against whom it is proposed that the order should be made giving him an opportunity to show cause why the order should not be made; but this paragraph shall not be taken to require the tribunal to send such notice to that party if the party has been given an opportunity to show cause orally why the order should not be made.

(4) In any appeal appearing to involve allegations of the commission of a sexual offence, the tribunal or the Secretary shall omit from the Register, or delete from the Register or any decision, document or record of the proceedings which is available to the public, any identifying matter.

(5) Any act required or authorised by these Rules to be done by a tribunal may be done by the President, Vice-President or a chairman except—

- (a) the hearing of an appeal under rule 5;
- (b) an act required or authorised to be done by rule 6 or 7 which the rule implies is to be done by the tribunal which is hearing or has heard the appeal;
- (c) the review of a decision under rule 8(1), and the confirmation, variation or revocation of a decision, and ordering of a re-hearing, under rule 8(7).

(6) Rule 9 shall apply to an order under paragraph (2)(e) dismissing an appeal or to an order under paragraph (2)(g), (h) or (i).