

SCHEDULE 5

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

Review of tribunal's decision

8.—(1) Subject to the provisions of this rule a tribunal may on the application of a party or of its own motion review 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;
- (b) a party did not receive notice of the proceedings leading to the decision;
- (c) the decision was made in the absence of a party;
- (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) A tribunal may not review a decision of its own motion unless it is the tribunal which made the decision.

(3) A tribunal may only review a decision of its own motion if—

- (a) it exercises the power within the period beginning with the date of the hearing and ending with the fourteenth day after the date on which the decision was sent to the parties; and
- (b) it has sent notice to each of the parties explaining in summary form the ground upon which and reasons why it is proposed to review the decision and giving them an opportunity to show cause why there should be no review.

(4) 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 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.

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

(6) If such an application is not refused under paragraph (5), 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 10(5),

by a tribunal appointed by either the President or Vice-President.

(7) On reviewing its decision a tribunal may confirm the decision, or vary or revoke the decision under the chairman's hand; and if it revokes the decision, the tribunal shall order a re-hearing before either the same or a differently constituted tribunal.