

SCHEDULE 3

RULES OF PROCEDURE: ENFORCEMENT

The hearing

6.—(1) Any hearing of an application for enforcement shall be heard by a tribunal composed in accordance with regulation 4.

(2) Any hearing of or in connection with an application for enforcement shall take place in public.

(3) Notwithstanding paragraph (2), a tribunal may sit in private for the purposes of –

(a) hearing evidence which in the opinion of the tribunal relates to matters of such a nature that it would be against the interests of national security, public safety or public order to allow the evidence to be given in public;

(b) hearing evidence 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;

(ii) 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;

(iii) information the disclosure of which would, for reasons other than its effect on negotiations with respect to any of the matters mentioned in Article 96(1) of the Order of 1992, cause substantial injury to any undertaking of his or any undertaking in which he works; or

(iv) information the disclosure of which would create a substantial risk that he or another individual would be subject to physical attack or sectarian harassment.

(4) If a party wishes to submit representations in writing for consideration by the tribunal at the hearing related to an application for enforcement he shall present his representations to the Secretary not less than 7 days before the hearing and shall at the same time send a copy to each other party.

(5) The tribunal may, if it considers it appropriate, consider representations in writing which have been submitted to the Secretary less than 7 days before the hearing.

(6) Subject to Article 16(4)(c) of the Order of 1998, at any hearing related to an application for enforcement, a party–

(a) may appear before a tribunal and may be heard in person or be represented by counsel or by a solicitor or by any other person whom he desires to represent him;

(b) shall be entitled to make an opening statement, to give evidence, to call witnesses, to cross-examine any witnesses called by the other party and to address the tribunal.

(7) If a party shall fail to appear or to be represented at the time and place fixed for any hearing, the tribunal may, subject to Article 17 of the Order of 1998, dispose of the matter in the absence of that party or may adjourn the hearing to a later date; provided that before disposing of such a matter in the absence of a party the tribunal shall consider any representations submitted by that party pursuant to paragraph (4) or (5).

(8) A tribunal may require any witness to give evidence on oath or affirmation and for that purpose there may be administered an oath or affirmation in due form.