

SCHEDULE 2

INDUSTRIAL TRIBUNALS (NATIONAL SECURITY) COMPLEMENTARY RULES OF PROCEDURE

Modification of rule 12 of Schedule 1

7. In rule 12 of Schedule 1 (decision of tribunal) –

(a) after paragraph (5), insert –

“(5A) Where the Minister of the Crown has directed the tribunal as referred to in rule 7B(3)(a) (keeping secret certain reasons for the tribunal’s decision), the clerk shall transmit the document prepared pursuant to that direction to the Secretary who shall enter the document, and the document referred to in paragraph (2), in the Register and, where applicable, shall send a copy of the entry to any excluded person. The clerk shall also transmit the document referred to in paragraph (3) to the Secretary. That document shall be omitted from the Register but the Secretary shall send a copy of it, of the document referred to in paragraph (2) and the document prepared pursuant to the direction under rule 7B(3)(a), in accordance with paragraph (5D).

(5B) Where the Minister of the Crown has directed the tribunal as referred to in rule 7B(3)(b) (keeping secret all of the reasons for the tribunal’s decision), the Secretary shall enter the document referred to in paragraph (2) in the Register and shall send a copy of the entry to any excluded person. The clerk shall also transmit the document referred to in paragraph (3) to the Secretary. That document shall be omitted from the Register but the Secretary shall send a copy of it and of the document referred to in paragraph (2) in accordance with paragraph (5D).

(5C) Where –

- (a) a Minister of the Crown has given a direction under rule 8(1)(d) (concealing identity of witness);
- (b) the tribunal has made an order under rule 8(2)(a) read with 8(1)(d); or
- (c) the tribunal has taken steps under rule 8(2)(c) to keep secret all or part of the reasons for its decision,

any further document prepared pursuant to that direction or order, or pursuant to those steps, as the case may be, shall be signed by the chairman and marked in each place where an omission has been made. The clerk shall transmit such further document to the Secretary who shall enter the document, and the document referred to in paragraph (2), in the Register and, where applicable, shall send a copy of the entry to any excluded person. The clerk shall also transmit the document referred to in paragraph (3) to the Secretary. That document shall be omitted from the Register but the Secretary shall send a copy of it, of the document referred to in paragraph (2) and of the document prepared pursuant to the direction, order or steps referred to in sub-paragraphs (a) to (c) in accordance with paragraph (5D).

(5D) Any documents required by paragraphs (5A) to (5C) to be sent in accordance with this paragraph shall be sent by the Secretary to –

- (a) the respondent;
- (b) such of the applicant or the applicant’s representatives as was not an excluded person;
- (c) if applicable, the special advocate;
- (d) where the proceedings were referred to the tribunal by a court, to that court; and

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- (e) where there are proceedings before a superior court relating to the decision in question, to that court.”;
- (b) for paragraph (8) substitute –
 - “(8) Clerical mistakes in the documents referred to in paragraph (2), (3) or rule 7B(4), or errors arising in those documents from an accidental slip or omission may at any time be corrected by the chairman by certificate.”; and
- (c) for paragraphs (10) and (11) substitute –
 - “(10) Where a document (“the first document”) omitted from the Register pursuant to paragraph (5A), (5B), (5C) or (6) is corrected by certificate under paragraph (8), the Secretary shall send a copy of the corrected document to those persons to whom in accordance with paragraph (5D) or (6) as the case may be, he sent the first document; 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 (9).
 - (11) Where this rule or rule 7B(4) requires a document to be signed by a 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 member or members of the tribunal, who shall certify that the chairman is unable to sign.”