

SCHEDULE 1

INDUSTRIAL TRIBUNAL RULES OF PROCEDURE

Preparation time orders

When a preparation time order must be made

43.—(1) Subject to rule 42(2), a tribunal or chairman must make a preparation time order against a respondent where in proceedings for unfair dismissal a hearing under rule 26 has been postponed or adjourned and –

- (a) the claimant has expressed a wish to be reinstated or re-engaged which has been communicated to the respondent not less than 7 days before that hearing; and
- (b) the postponement or adjournment of that hearing has been caused by the respondent's failure, without a special reason, to adduce reasonable evidence as to the availability of the job from which the claimant was dismissed, or of comparable or suitable employment.

(2) A preparation time order made under paragraph (1) shall relate to any preparation time spent as a result of the postponement or adjournment of the hearing under rule 26.