

SCHEDULE 2

Regulation 10(2)(a)

FAIR EMPLOYMENT TRIBUNAL (APPEALS) RULES OF PROCEDURE *For use only in proceedings on an appeal against a direction or notice of refusal*

Application of Schedule 1

- 1.—(1) Subject to rules 5 and 6, Schedule 1 shall apply to appeals –
- (a) against a direction as referred to in Article 15 of the Fair Employment and Treatment Order; and
 - (b) against a notice of refusal as referred to in Article 62(7) or 63(5) of the Fair Employment and Treatment Order,

and the rules in this Schedule modify the rules in Schedule 1 in relation to such appeals.

(2) The rules in this Schedule modify the rules in Schedule 1 in relation to the appeals described in paragraphs (1)(a) and (b). If there is conflict between the rules contained in this Schedule and those in Schedule 1, the rules in this Schedule shall prevail.

Notice of appeal

2. A person wishing to appeal against a direction or notice of refusal as described in rule 1 (the appellant) shall do so by sending to the Office of the Tribunals a notice of appeal which must be in writing and must include the following –

- (a) the name and address of the appellant and, if different, an address to which he requires notices and documents relating to the appeal to be sent;
- (b) the date of the notice containing the directions appealed against;
- (c) the name and address of the respondent;
- (d) details of the requirements which are being appealed; and
- (e) the grounds for the appeal.

Action on receipt of appeal

3. On receiving the notice of appeal the Secretary shall –
- (a) enter the following details of the appeal in the Register, namely –
 - (i) the case number;
 - (ii) the date the Secretary received the notice of appeal;
 - (iii) the name of the appellant;
 - (iv) the name of the respondent;
 - (v) the fact that the appeal is an appeal against a direction under Article 15 or notice of refusal under Article 62(7) or 63(5) of the Fair Employment and Treatment Order;
 - (b) send a copy of the notice of appeal to the respondent; and
 - (c) inform the parties in writing of the case number of the appeal (which must from then on be referred to in all correspondence relating to the appeal) and of the address to which notices and other communications to the Office of the Tribunals shall be sent.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Withdrawal of appeal

4. If the appellant at any time gives notice of the withdrawal of his appeal in accordance with rule 21 of Schedule 1, the tribunal or chairman shall consider making a costs order under rule 35 in relation to the withdrawal.

Provisions of Schedule 1 which do not apply to appeals against a direction or notice of refusal

5. The following rules in Schedule 1 shall not apply in relation to appeals against a direction or notice of refusal: rules 1 to 8, 15(1)(c), 17(2)(c), 19, 29, 30(1)(a), 30(2), 30(4), 34(4), 37(4), 41 and 47(8). All references in Schedule 1 to the rules listed in this rule shall have no effect in relation to an appeal against a direction or notice of refusal.

Modification of Schedule 1

6. Schedule 1 shall be further modified so that all references in Schedule 1 to a claim shall be read as references to a notice of an appeal of the kind described in rule 1(a) or 1(b), as the context may require, and all references to the claimant shall be read as references to the appellant in such an appeal.