

## 1989 No. 445

## FAIR EMPLOYMENT

Fair Employment Tribunal (Rules of Procedure) Regulations  
(Northern Ireland) 1989

*Made* . . . . . 23rd November 1989

*Coming into operation* . . . . . 1st January 1990

The Department of Economic Development(a), in exercise of the powers conferred on it by sections 2(1) and (2) and 5(1), (2), (4), (5) and (6) of the Fair Employment (Northern Ireland) Act 1989(b) and of every other power enabling it in that behalf, hereby makes the following Regulations:

*Citation and commencement*

1. These Regulations may be cited as the Fair Employment Tribunal (Rules of Procedure) Regulations (Northern Ireland) 1989 and shall come into operation on 1st January 1990.

*Interpretation*

2.—(1) The Interpretation Act (Northern Ireland) 1954(c), except section 24 (Service of documents), shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

(2) In these Regulations—

“the Act of 1976” means the Fair Employment (Northern Ireland) Act 1976(d);

“the Order of 1976” means the Industrial Relations (Northern Ireland) Order 1976(e);

“the Act of 1989” means the Fair Employment (Northern Ireland) Act 1989;

“the Agency” means the Labour Relations Agency established under Article 4 of the Order of 1976;

“appellant” means a person who has appealed to the Fair Employment Tribunal for Northern Ireland under section 15, 38(7) or 39(5) of the Act of 1989;

“applicant” means a person who has presented a complaint to the Fair Employment Tribunal for Northern Ireland by way of an originating application presented to the Secretary under rule 1 of Schedule 1;

(a) Formerly the Department of Manpower Services for Northern Ireland: see S.I. 1982/846 (N.I. 11) Article 3

(b) 1989 c. 32

(c) 1954 c. 33 (N.I.)

(d) 1976 c. 25

(e) S.I. 1976/1043 (N.I. 16)

- “the clerk to the tribunal” means the person appointed by the Secretary to act in that capacity at one or more hearings;
- “decision” in relation to a tribunal includes an order (other than an interlocutory order), a recommendation, or an award of the tribunal but does not include an opinion given pursuant to a pre-hearing assessment held under rule 6 of Schedule 1;
- “hearing” means a sitting of a tribunal duly constituted for the purpose of receiving evidence, hearing addresses and witnesses or doing anything lawfully requisite to enable a tribunal to reach a decision on any question;
- “notice of refusal” means a notice served by the Commission under section 38(7) or 39(5) of the Act of 1989;
- “the Office of the Tribunals” means the Office of Industrial Tribunals and the Fair Employment Tribunal;
- “panel of chairmen” means the panel of chairmen of the Fair Employment Tribunal appointed in accordance with section 3(1)(c) of the Act of 1989;
- “the President” means the President of the Industrial Tribunals and the Fair Employment Tribunal or a person nominated by the Lord Chancellor under section 3(6) of the Act of 1989 to discharge the functions of the President;
- “Register” means the Register of applications, appeals and decisions kept in pursuance of these Regulations;
- “respondent”—
- (a) in relation to a complaint to the Fair Employment Tribunal for Northern Ireland under section 24(a) of the Act of 1976, has the same meaning as in that Act; and
  - (b) in relation to proceedings before the Fair Employment Tribunal for Northern Ireland under sections 16 and 17 of the Act of 1989, means the person in relation to whom the Commission has made an application under section 16(1) of that Act or, as the case may require, the person in relation to whom an order has been made under section 16(3) or (7) of that Act;
- “rule” means, in a particular Schedule, a rule of procedure contained in that Schedule;
- “the Secretary” means the person for the time being acting as the Secretary of the Office of the Tribunals;
- “tribunal” means any tribunal which, by virtue of regulation 3(3) of the Fair Employment Tribunal Regulations (Northern Ireland) 1989(b), exercises the jurisdiction of the Fair Employment Tribunal for Northern Ireland;
- “Vice-President” means the Vice-President of the Industrial Tribunals and the Fair Employment Tribunal or a person nominated by the Lord Chancellor under section 3(6) of the Act of 1989 to discharge the functions of the Vice-President.

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(a) As substituted by section 50(1) of the Act of 1989

(b) S.R. 1989 No. 444

(3) In these Regulations references to section 15, 16 or 17 of the Act of 1989 include references to those provisions as they are applied for the purposes of sections 33 and 34 of the Act of 1989 by section 35 thereof.

(4) In these Regulations expressions which are also used in the Fair Employment (Northern Ireland) Acts shall, unless the contrary intention appears, have the same meaning as in those Acts.

*Proceedings of the Fair Employment Tribunal for Northern Ireland*

3. The Rules of Procedure set out in—

- (a) Schedule 1 shall have effect in relation to complaints to the Fair Employment Tribunal for Northern Ireland under section 24(a) of the Act of 1976;
- (b) Schedule 2 shall have effect in relation to appeals to the Fair Employment Tribunal for Northern Ireland under section 15, 38(7) or 39(5) of the Act of 1989;
- (c) Schedule 3 shall have effect in relation to proceedings before the Fair Employment Tribunal for Northern Ireland under sections 16 and 17 of the Act of 1989.

*Proof of decision of the Fair Employment Tribunal for Northern Ireland*

4. The production in any proceedings in any court of a document purporting to be certified by the Secretary to be a true copy of an entry of a decision in the Register shall, unless the contrary is proved, be sufficient evidence of the document and of the facts stated therein.

Sealed with the Official Seal of the Department of Economic Development on 23rd November 1989.

(L.S.)

*D. C. Gowdy*

Under Secretary

**RULES OF PROCEDURE: COMPLAINTS***Originating application*

1. Proceedings for the determination of any matter by the Fair Employment Tribunal for Northern Ireland shall be instituted by the applicant presenting to the Secretary an originating application which shall be in writing and shall set out—

- (a) the name and address of the applicant;
- (b) the names and addresses of the person or persons against whom relief is sought; and
- (c) the grounds, with particulars thereof, on which that relief is sought.

*Action upon receipt of originating application*

2. Upon receiving an originating application the Secretary shall enter particulars of it in the Register and shall forthwith send a copy of it to the respondent and inform the parties in writing of the case number of the originating application entered in the Register (which shall thereafter constitute the title of the proceedings) and of the address to which notices and other communications to the Secretary shall be sent. Every copy of the originating application sent by the Secretary under this paragraph shall be accompanied by a written notice which shall include information, as appropriate to the case, about the means and time for entering an appearance, the consequences of failure to do so, and the right to receive a copy of the decision. The Secretary shall notify the parties that the conciliation services of the Agency are available to them.

*Appearance by respondent*

3.—(1) A respondent shall within 14 days of receiving the copy originating application enter an appearance to the proceedings by presenting to the Secretary a written notice of appearance setting out his full name and address and stating whether or not he intends to resist the application and, if so, setting out sufficient particulars to show on what grounds. Upon receipt of a notice of appearance the Secretary shall forthwith send a copy of it to any other party:

(2) A respondent who has not entered an appearance shall not be entitled to take any part in the proceedings except—

- (a) to apply under rule 13(1) for an extension of the time appointed by this rule for entering an appearance;
- (b) to make an application under rule 4(1)(a);
- (c) to make an application under rule 10(2) in respect of rule 10(1)(b);
- (d) to be called as a witness by another person; or
- (e) to be sent a copy of a decision or specification of reasons or corrected decision or specification in pursuance of rule 9(3), 9(4), 9(7) or 10(5).

(3) A notice of appearance which is presented to the Secretary after the time appointed by this rule for entering appearances shall be deemed to include an application under rule 13(1) (by the respondent who has presented the notice of appearance) for an extension of the time so appointed. Without prejudice to rule 13(4), if a tribunal grants the application (which it may do notwithstanding that the grounds of the application are not stated) the Secretary shall forthwith send a copy of the notice of appearance to any other party. A tribunal shall not refuse an extension of time under this rule unless it has sent notice to the person wishing to enter an appearance giving him an opportunity to show cause why the extension should be granted.

*Power to require further particulars and attendance of witnesses and to grant discovery*

4.—(1) Subject to rule 3(2) and paragraph (2), a tribunal may on the application of a party to the proceedings made either by notice to the Secretary or at the hearing of the originating application—

- (a) require a party to furnish in writing to the person specified by the tribunal further particulars of the grounds on which he or it relies and of any facts and contentions relevant thereto;
- (b) grant to the person making the application such discovery or inspection (including the taking of copies) of documents as might be granted by a county court; and
- (c) require the attendance of any person (including a party to the proceedings) as a witness, wherever such person may be within Northern Ireland, and may, if it does so require the attendance of a person, require him to produce any document relating to the matter to be determined;

and may appoint the time at or within which or the place at which any act required in pursuance of this rule is to be done.

(2) A tribunal may, if it thinks fit of its own motion, exercise the powers set out in paragraph (1)(a).

(3) A party on whom a requirement has been made under paragraph (1)(a) or (b) on an *ex parte* application, or (in relation to a requirement under paragraph (1)(a)) on a tribunal's own motion and a person on whom a requirement has been made under paragraph (1)(c) may apply to the Fair Employment Tribunal for Northern Ireland by notice to the Secretary before the appointed time at or within which the requirement is to be complied with to vary or set aside the requirement. Notice of an application under this paragraph to vary or set aside a requirement shall be given to the parties (other than the party making the application).

(4) Every document containing a requirement under paragraph (1)(b) or (c) shall contain a reference to the fact that under section 5(8) and (9) of the Act of 1989 any person who without reasonable excuse fails to comply with any such requirement shall be liable on summary conviction to a fine and if without reasonable excuse the failure continues after conviction, shall be liable on a second or subsequent summary conviction to a fine for each day on which the failure continues and the document shall state the amounts of the current maximum fines:

(5) If the requirement under paragraph (1)(a) or (b) is not complied with, a tribunal, before or at the hearing, may dismiss the whole or part of the originating application, or, as the case may be, strike out the whole or part of the notice of appearance, and, where appropriate, direct that a respondent shall be debarred from defending altogether: Provided that the tribunal shall not so dismiss or strike out or give such a direction unless it has sent notice to the party who has not complied with the requirement giving him an opportunity to show cause why such should not be done.

*Time and place of hearing*

5. The President or Vice-President shall fix the date, time and place of any hearing and the Secretary shall (subject to rule 3(2)) not less than 14 days (or such shorter time as may be agreed by him with the parties) before the date so fixed send to each party a notice of hearing which shall include information and guidance as to attendance at the hearing, witnesses and the bringing of documents (if any), representation by another person and written representations.

*Pre-hearing assessment*

6.—(1) A tribunal may at any time before the hearing (either, subject to rule 3(2) on the application of a party to the proceedings made by notice to the Secretary or of its own motion) consider, by way of a pre-hearing assessment, the contents of the originating application and entry of appearance, any representations in writing which have been submitted and any oral argument advanced by or on behalf of a party.

(2) If upon a pre-hearing assessment, the tribunal considers that the originating application is unlikely to succeed or that the contentions or any particular contention of a party appear to have no reasonable prospect of success, it may indicate that in its opinion, if the originating application shall not be withdrawn or the contentions or contention of the party shall be persisted in up to or at the hearing, the party in question may have an order for costs made against him at the hearing under the provisions of rule 11. A pre-hearing assessment shall not take place unless the tribunal has sent notice to the parties to the proceedings giving them an opportunity to submit representations in writing and to advance oral argument at the pre-hearing assessment if they so wish.

(3) Any indication of opinion made in accordance with paragraph (2) shall be recorded in a document signed by the chairman a copy of which shall be sent to the parties to the proceedings and a copy of which shall be available to the tribunal at the hearing.

*Hearing*

7.—(1) Any hearing of or in connection with an originating application shall take place in public unless in the opinion of a tribunal a private hearing is appropriate for the purpose of 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 or hearing evidence from any person which in the opinion of the tribunal is likely to consist of—

- (a) information which he could not disclose without contravening a prohibition imposed by or under any enactment;
- (b) 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;
- (c) information the disclosure of which would cause substantial injury to any undertaking of his or in which he works; or
- (d) information the disclosure of which would create a substantial risk that he or another individual would be subject to physical attack or sectarian harassment.

(2) Subject to rule 3(2), if a party shall desire to submit representations in writing for consideration by a tribunal at the hearing of the originating application that party shall present such representations to the Secretary not less than 7 days before the hearing and shall at the same time send a copy to the other party or parties.

(3) Where a party has failed to attend or be represented at the hearing (whether or not he has sent any representations in writing) the contents of his originating application or, as the case may be, of his entry of appearance may be treated by a tribunal as representations in writing.

(4) Subject to rule 3(2), at any hearing of or in connection with an originating application a party may appear before a tribunal and may be heard in person or be represented by counsel or by a solicitor or by a representative of a trade union or an employers' association or by any other person whom he desires to represent him.

*Procedure at hearing*

8.—(1) A tribunal shall conduct the hearing in such manner as it considers most suitable to the clarification of the issues before it and generally to the just handling of the proceedings; it shall so far as appears to it appropriate seek to avoid formality in its proceedings and it shall not be bound by any statutory provisions or rule of law relating to the admissibility of evidence in proceedings before the courts of law.

(2) Subject to paragraph (1), at the hearing of the originating application a party (unless disentitled by virtue of rule 3(2) or 4(5)) shall be entitled to give evidence, to call witnesses, to question any witnesses and to address the tribunal.

(3) If a party shall fail to appear or to be represented at the time and place fixed for the hearing, a tribunal may, if that party is an applicant, dismiss or, in any case, dispose of the application in the absence of that party or may adjourn the hearing to a later date: Provided that before deciding to dismiss or disposing of any application in the absence of a party the tribunal shall consider any representations submitted by that party in pursuance of rule 7(2).

(4) 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.

*Decision of tribunal*

9.—(1) A decision of a tribunal may be taken by a majority thereof and, if the tribunal shall be constituted of two members only, the chairman shall have a second or casting vote.

(2) The decision of a tribunal shall be recorded in a document signed by the chairman which shall contain the reasons for the decision.

(3) The clerk to the tribunal shall transmit the document signed by the chairman to the Secretary who shall as soon as may be enter it in the Register and shall send a copy of the entry to each of the parties.

(4) The specification of the reasons for the decision shall be omitted from the Register in any case in which evidence has been heard in private and the tribunal so directs and in that event a specification of the reasons shall be sent to the parties and to any superior court in any proceedings relating to such decision together with the copy of the entry.

(5) The Register shall be kept at the Office of the Tribunals and shall be open to the inspection of any person without charge at all reasonable hours.

(6) Clerical mistakes in documents recording a tribunal's decisions, or errors arising in them from an accidental slip or omission, may at any time be corrected by the chairman by certificate under his hand.

(7) The clerk to the tribunal shall send a copy of any document so corrected and the certificate of the chairman to the Secretary who shall as soon as may be make such correction as may be necessary in the Register and shall send a copy of the corrected entry or of the corrected specification of the reasons, as the case may be, to each of the parties.

(8) If any decision is—

(a) corrected under paragraph (6);

(b) reviewed, revoked or varied under rule 10; or

(c) altered in any way by order of a superior court,

the Secretary shall alter the entry in the Register to conform with any such certificate or order and shall send a copy of the new entry to each of the parties.

(9) Where by this rule a document is required to be signed by the chairman but by reason of death or incapacity the chairman is unable to sign such document it shall be signed by the other members of the tribunal, who shall certify that the chairman is unable to sign.

*Review of tribunal's decision*

10.—(1) A tribunal shall have power to review and to revoke or vary by certificate under the chairman's hand any decision on the grounds that—

- (a) the decision was wrongly made as a result of an error on the part of the staff of the Office of the Tribunals;
- (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) 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.

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

(4) If such an application is not refused under paragraph (3) 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 12(5), by a tribunal appointed by the President or Vice-President, and if the application is granted the tribunal shall proceed to a review of the decision and, having reviewed it, may confirm, vary or revoke that decision, and if the tribunal revokes the decision it shall order a re-hearing.

(5) The clerk to the tribunal shall send to the Secretary the certificate of the chairman as to any revocation or variation of the tribunal's decision under this rule. The Secretary shall as soon as may be make such correction as may be necessary in the Register and shall send a copy of the entry to each of the parties.

*Costs*

11.—(1) Subject to paragraph (2), a tribunal shall not normally make an award in respect of the costs or expenses incurred by a party to the proceedings but where in its opinion a party (and if he is a respondent whether or not he has entered an appearance) has in bringing or conducting the proceedings acted frivolously, vexatiously or otherwise unreasonably a tribunal may make an order that that party shall pay to another party either a specified sum in respect of the costs or expenses incurred by that other party or the whole or part of those costs or expenses as taxed (if not otherwise agreed).

(2) Where a tribunal has on the application of a party to the proceedings postponed the day or time fixed for or adjourned the hearing, the tribunal may make orders against or, as the case may require, in favour of that party as at paragraph (1) as respects any costs or expenses incurred as a result of the postponement or adjournment.

(3) Any costs required by an order under this rule to be taxed may be taxed in the county court according to such of the scales prescribed by the county court rules for proceedings in the county court as shall be directed by the order.

*Miscellaneous powers of tribunal*

12.—(1) Subject to the provisions of these Rules, the Fair Employment Tribunal for Northern Ireland may regulate its own procedure.



- (2) A tribunal may, if it thinks fit,—
- (a) extend the time appointed by or under these Rules for doing any act notwithstanding that the time appointed may have expired;
  - (b) postpone the day or time fixed for, or adjourn, any hearing;
  - (c) make any necessary amendments to the description of a party in the Register and in other documents relating to the originating application;
  - (d) if the applicant shall at any time give notice of the withdrawal of his originating application, dismiss the proceedings;
  - (e) if both or all the parties agree in writing upon the terms of a decision to be made by the tribunal, decide accordingly;
  - (f) at any stage of the proceedings order to be struck out or amended any originating application or notice of appearance or anything in such application or notice of appearance on the grounds that it is scandalous, frivolous or vexatious;
  - (g) on the application of the respondent, or of its own motion, order to be struck out any originating application for want of prosecution:

Provided that before making any order under (f) or (g) the tribunal shall send notice to the party against whom it is proposed that any such order should be made giving him an opportunity to show cause why such an order should not be made.

(3) Without prejudice to the generality of paragraph (2)(b) a tribunal may postpone the hearing of an originating application for such period as may be necessary for the purpose of giving an opportunity for the complaint to be settled by way of conciliation and withdrawn.

(4) Subject to rule 4(3), a tribunal may, if it thinks fit, before granting an application under rule 4 or rule 13 require the party making the application to give notice of it to the other party or parties. The notice shall give particulars of the application and indicate the address to which and the time within which any objection to the application shall be made being an address and time specified for the purposes of the application by the tribunal.

(5) Any act, other than the holding of a pre-hearing assessment under rule 6, the hearing of an originating application or the making of an order under rule 10(1), required or authorised by these Rules to be done by a tribunal may be done by, or on the direction of, the President or Vice-President or the chairman of the tribunal, or any chairman being a member of the panel of chairmen.

(6) Rule 11 shall apply to an order dismissing proceedings under paragraph (2)(d).

#### *Extension of time and directions*

13.—(1) An application to the Fair Employment Tribunal for Northern Ireland for an extension of the time appointed by or under these Rules for doing any act may be made by a party either before or after the expiration of any time so appointed.

(2) Subject to rule 3(2), a party may at any time apply to the Fair Employment Tribunal for Northern Ireland for directions on any matter arising in connection with the proceedings.

(3) An application under this rule shall be made by presenting to the Secretary a notice of application, which shall state the title of the proceedings and shall set out the grounds of the application.

(4) The Secretary shall give notice to both or all the parties (subject to rule 3(2)) of any extension of time granted under rule 12(2)(a) or any directions given in pursuance of this rule.

*Joinder and representative respondents*

14.—(1) A tribunal may at any time either upon the application of any person or, where appropriate of its own motion, direct any person against whom any relief is sought to be joined as a party to the proceedings, and give such consequential directions as it considers necessary.

(2) A tribunal may likewise, either upon such application or of its own motion, order that any respondent named in the originating application or subsequently added, who shall appear to the tribunal not to have been, or to have ceased to be, directly interested in the subject of the originating application, be dismissed from the proceedings.

(3) Where there are numerous persons having the same interest in an originating application, one or more of them may be cited as the person or persons against whom relief is sought, or may be authorised by a tribunal, before or at the hearing, to defend on behalf of all the persons so interested.

*Consolidation of proceedings*

15. Where there are pending before the Fair Employment Tribunal for Northern Ireland two or more originating applications, then, if at any time upon the application of a party or of its own motion it appears to a tribunal that—

(a) some common question of law or fact arises in both or all the originating applications,

(b) the relief claimed therein is in respect of or arises out of the same set of facts, or

(c) for some other reason it is desirable to make an order under this rule,

the tribunal may order that some (as specified in the order) or all of the originating applications shall be considered together, and may give such consequential directions as may be necessary: Provided that the tribunal shall not make an order under this rule without sending notice to all parties concerned giving them an opportunity to show cause why such an order should not be made.

*Complaints involving matters within the jurisdiction of industrial tribunal*

16. Before making a direction under section 6(2) of the Act of 1989 the President or Vice-President shall send a notice to the parties and to any other person likely to be affected by such a direction giving them an opportunity to show cause why such a direction should not be made.

*Notices, etc*

17.—(1) Any notice given under these Rules shall be in writing.

(2) All notices and documents required by these Rules to be presented to the Secretary may be presented at the Office of the Tribunals or such other office as may be notified by the Secretary to the parties.

(3) All notices and documents required or authorised by these Rules to be sent or given to any person hereinafter mentioned may be sent by post (subject to paragraph (5)) or delivered to or at—

(a) in the case of a notice or document directed to a party—

(i) his address for service specified in the originating application or in a notice of appearance or in a notice under paragraph (4); or

(ii) if no address for service has been so specified, his last known address or place of business in the United Kingdom or, if the party is a corporation, the corporation's registered or principal office in the United Kingdom or, in any case, at such address or place outside the United Kingdom as the President or Vice-President may allow;

(b) in the case of a notice or document directed to a court, the office of the clerk of the court;

(c) in the case of a notice or document directed to any person (other than a person specified in the foregoing provisions of this paragraph), his address or place of business in the United Kingdom, or if such a person is a corporation, the corporation's registered or principal office in the United Kingdom;

and if sent or given to the authorised representative of a party shall be deemed to have been sent or given to that party.

(4) A party may at any time by notice to the Secretary and to the other party or parties (and, where appropriate, to the Agency) change his address for service under these Rules.

(5) The recorded delivery service shall be used instead of the ordinary post—

(a) when a second set of documents or notices is to be sent to a respondent who has not entered an appearance under rule 3(1);

(b) for service of an order made under rule 4(1)(c) requiring the attendance of a witness.

(6) Where for any sufficient reason service of any document or notice cannot be effected in the manner prescribed under this rule, the President or Vice-President may make an order for substituted service in such manner as he may deem fit and such service shall have the same effect as service in the manner prescribed under this rule.

(7) Subject to paragraph (10), the Secretary shall send copies of all documents and notices to the Agency.

(8) Subject to paragraph (10), the Secretary shall send to the Commission copies of all originating applications, notices of appearance and all documents sent to parties under rules 9(3), (7) and (8) and 10(5).

(9) Subject to paragraph (10), in proceedings involving matters under the Sex Discrimination (Northern Ireland) Order 1976(a) the Secretary shall send to the Equal Opportunities Commission for Northern Ireland copies of all documents sent to parties under rules 9(3), (7) and (8) and 10(5).

(10) Paragraphs (7) to (9) shall not apply to the specification of the reasons for a decision where such specification has been omitted from the Register in accordance with rule 9(4).

**RULES OF PROCEDURE: APPEALS***Interpretation*

1. In this Schedule—

“directions”, except in rule 12, means directions given by the Commission under section 12, 13 or 33 of the Act of 1989;

“party” means the appellant or the Commission.

*Notice of appeal*

2. An appeal shall be commenced by the appellant presenting to the Secretary a notice of appeal which shall be in writing and shall set out—

(a) in the case of an appeal against directions—

- (i) the name of the appellant and his address for the service of documents;
- (ii) the date of the notice containing the directions;
- (iii) particulars of the directions appealed against; and
- (iv) the grounds of the appeal.

(b) in the case of an appeal against a notice of refusal—

- (i) the name of the appellant and his address for the service of documents;
- (ii) the date of the notice of refusal; and
- (iii) the grounds of the appeal.

*Action upon receipt of notice of appeal*

3. Upon receiving a notice of appeal the Secretary shall enter particulars of it in the Register and shall forthwith send a copy of it to the Commission and inform the parties in writing of the case number of the appeal entered in the Register (which shall thereafter constitute the title of the proceedings) and of the address to which notices and other communications to the Secretary shall be sent.

*Power to require further particulars and attendance of witnesses and to grant discovery*

4.—(1) A tribunal may on the application of a party to the proceedings made either by notice to the Secretary or at the hearing—

- (a) require a party to furnish in writing to the other party further particulars of the grounds on which he relies and of any facts and contentions relevant thereto;
- (b) grant to a party such discovery or inspection (including the taking of copies) of documents as might be granted by a county court; and
- (c) require the attendance of any person as a witness, wherever such person may be within Northern Ireland and may, if it does so require the attendance of a person, require him to produce any document relating to the matter to be determined;

and may appoint the time at or within which or the place at which any act required in pursuance of this rule is to be done.

(2) A person on whom a requirement has been made under paragraph (1)(a) or (b) on an *ex parte* application and a person on whom a requirement has been made under paragraph (1)(c) may apply to the Fair Employment Tribunal for Northern Ireland by notice to the Secretary before the appointed time at or within which the requirement is to be complied with to vary or set aside the requirement. Notice of an application under this paragraph to vary or set aside a requirement shall be given to the parties (other than the party making the application).

(3) Every document containing a requirement under paragraph (1)(b) or (c) shall contain a reference to the fact that under section 5(8) and (9) of the Act of 1989 any person who without reasonable excuse fails to comply with any such requirement shall be liable on summary conviction to a fine and if without reasonable excuse the failure continues after conviction, shall be liable on a second or subsequent summary conviction to a fine for each day on which the failure continues and the document shall state the amounts of the current maximum fines.

#### *Time and place of hearing*

5. The President or Vice-President shall fix the date, time and place of the hearing of the appeal and the Secretary shall not less than 14 days (or such shorter time as may be agreed by him with the parties) before the date so fixed send to each party a notice of hearing which shall include information and guidance as to attendance at the hearing, witnesses and the bringing of documents (if any), representation by another person and written representations.

#### *Hearing*

6.—(1) Any hearing of or in connection with an appeal shall take place in public unless in the opinion of a tribunal a private hearing is appropriate for the purpose of 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 or hearing evidence from any person which in the opinion of the tribunal is likely to consist of—

- (a) information which he could not disclose without contravening a prohibition imposed by or under any enactment;
- (b) 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;
- (c) information the disclosure of which would cause substantial injury to any undertaking of his or in which he works; or
- (d) information the disclosure of which would create a substantial risk that he or another individual would be subject to physical attack or sectarian harassment.

(2) If a party shall desire to submit representations in writing for consideration by a tribunal at the hearing of the appeal, that party shall present such representations to the Secretary not less than 7 days before the hearing and shall at the same time send a copy to the other party.

(3) At any hearing of or in connection with an appeal a party 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 including, in the case of the appellant, a representative of an employers' association.

#### *Procedure at hearing*

7.—(1) At any hearing of or in connection with an appeal a party shall be entitled to make an opening statement, to give evidence, to call witnesses, to question any witnesses and to address the tribunal.

(2) If a party shall fail to appear or to be represented at the time and place fixed for the hearing, a tribunal may dispose of the appeal in the absence of that party or may adjourn the hearing to a later date: Provided that before disposing of an appeal in the absence of a party the tribunal shall consider any representations submitted by that party in pursuance of rule 6(2).

(3) 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.

*Decision of tribunal*

8.—(1) A decision of a tribunal may be taken by a majority thereof and, if the tribunal shall be constituted of two members only, the chairman shall have a second or casting vote.

(2) The decision of a tribunal shall be recorded in a document signed by the chairman which shall contain the reasons for the decision.

(3) The clerk to the tribunal shall transmit the document signed by the chairman to the Secretary who shall as soon as may be enter it in the Register and shall send a copy of the entry to each of the parties.

(4) The specification of the reasons for the decision shall be omitted from the Register in any case in which evidence has been heard in private and the tribunal so directs and in that event a specification of the reasons shall be sent to the parties and to any superior court in any proceedings relating to such decision together with the copy of the entry.

(5) The Register shall be kept at the Office of the Tribunals and shall be open to the inspection of any person without charge at all reasonable hours.

(6) Clerical mistakes in documents recording a tribunal's decisions, or errors arising in them from an accidental slip or omission, may at any time be corrected by the chairman by certificate under his hand.

(7) The clerk to the tribunal shall send a copy of any document so corrected and the certificate of the chairman to the Secretary who shall as soon as may be make such correction as may be necessary in the Register and shall send a copy of the corrected entry or of the corrected specification of the reasons, as the case may be, to each of the parties.

(8) If any decision is—

(a) corrected under paragraph (6);

(b) reviewed, revoked or varied under rule 9; or

(c) altered in any way by order of a superior court,

the Secretary shall alter the entry in the Register to conform with any such certificate or order and shall send a copy of the new entry to each of the parties.

(9) Where by this rule a document is required to be signed by the chairman but by reason of death or incapacity the chairman is unable to sign such document it shall be signed by the other members of the tribunal, who shall certify that the chairman is unable to sign.

*Review of tribunal's decision*

9.—(1) A tribunal shall have power to review and to revoke or vary by certificate under the chairman's hand any decision on the grounds that—

(a) the decision was wrongly made as a result of an error on the part of the staff of the Office of the Tribunals;

(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) 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.

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

(4) If such an application is not refused under paragraph (3) 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 11(4), by a tribunal appointed by the President or Vice-President, and if the application is granted the tribunal shall proceed to a review of the decision and, having reviewed it, may confirm, vary or revoke that decision, and if the tribunal revokes the decision it shall order a re-hearing.

(5) The clerk to the tribunal shall send to the Secretary the certificate of the chairman as to any revocation or variation of the tribunal's decision under this rule. The Secretary shall as soon as may be make such correction as may be necessary in the Register and shall send a copy of the entry to each of the parties.

### *Costs*

10.—(1) A tribunal may make an order that a party shall pay to another party either a specified sum in respect of the costs or expenses of or in connection with an appeal incurred by that other party or the whole or part of those costs or expenses as taxed (if not otherwise agreed).

(2) Where a tribunal has on the application of a party to the proceedings postponed the day or time fixed for or adjourned the hearing, the tribunal may make orders against or, as the case may require, in favour of that party as at paragraph (1) as respects any costs or expenses incurred as a result of the postponement or adjournment.

(3) Any costs required by an order under this rule to be taxed may be taxed in the county court according to such of the scales prescribed by the county court rules for proceedings in the county court as shall be directed by the order.

### *Miscellaneous powers of tribunal*

11.—(1) Subject to the provisions of these Rules, the Fair Employment Tribunal for Northern Ireland may regulate its own procedure.

(2) A tribunal may, if it thinks fit,—

(a) extend the time appointed by or under these Rules for doing any act notwithstanding that the time appointed may have expired;

(b) postpone the day or time fixed for, or adjourn, any hearing;

(c) make any necessary amendments to the description of a party in the Register and in other documents relating to the appeal;

(d) if the appellant shall at any time give notice of the abandonment of his appeal, dismiss the appeal;

(e) if the parties agree in writing upon the terms of a decision to be made by the tribunal, decide accordingly;

(f) on the application of the Commission, or of its own motion, order to be struck out any notice of appeal for want of prosecution: Provided that before making any such order the tribunal shall send notice to the appellant giving him an opportunity to show cause why such an order should not be made.

(3) Subject to rule 4(2), a tribunal may, if it thinks fit, before granting an application under rule 4 or 12 require the party making the application to give notice

of it to the other party. The notice shall give particulars of the application and indicate the address to which and the time within which any objection to the application shall be made being an address and time specified for the purposes of the application by the tribunal.

(4) Any act, other than the hearing of an appeal or the making of an order under rule 9(1), required or authorised by these Rules to be done by a tribunal may be done by, or on the direction of, the President or Vice-President or the chairman of the tribunal, or any chairman being a member of the panel of chairmen:

(5) Rule 10 shall apply to an order dismissing proceedings under paragraph (2)(d).

*Extension of time and directions*

12.—(1) An application to the Fair Employment Tribunal for Northern Ireland for an extension of the time appointed by or under these Rules for doing any act may be made by a party either before or after the expiration of any time so appointed.

(2) A party may at any time apply to the Fair Employment Tribunal for Northern Ireland for directions on any matter arising in connection with the proceedings.

(3) An application under this rule shall be made by presenting to the Secretary a notice of application, which shall state the title of the proceedings and shall set out the grounds of the application.

(4) The Secretary shall give notice to the parties of any extension of time granted under rule 11(2)(a) or any directions given in pursuance of this rule.

*Notices, etc*

13.—(1) Any notice given under these Rules shall be in writing.

(2) All notices and documents required by these Rules to be presented to the Secretary may be presented at the Office of the Tribunals or such other office as may be notified by the Secretary to the parties.

(3) All notices and documents required or authorised by these Rules to be sent or given to any person hereinafter mentioned may be sent by post (subject to paragraph (5)) or delivered to or at—

(a) in the case of a notice or document directed to a party—

(i) his address for service specified in the notice of appeal or in a notice under paragraph (4); or

(ii) if no address for service has been so specified, his last known address or place of business in the United Kingdom or, if the party is a corporation, the corporation's registered or principal office in the United Kingdom or, in any case, at such address or place outside the United Kingdom as the President or Vice-President may allow;

(b) in the case of a notice or document directed to a court, the office of the clerk of the court;

(c) in the case of a notice or document directed to any person (other than a person specified in the foregoing provisions of this paragraph), his address or place of business in the United Kingdom, or if such a person is a corporation, the corporation's registered or principal office in the United Kingdom;

and if sent or given to the authorised representative of a party shall be deemed to have been sent or given to that party.

(4) A party may at any time by notice to the Secretary and to the other party change his address for service under these Rules.

(5) The recorded delivery service shall be used instead of the ordinary post—

(a) where a copy of a notice of appeal is not delivered;



(b) for service of an order made under rule 4(1)(c) requiring the attendance of a witness.

(6) Where for any sufficient reason service of any document or notice cannot be effected in the manner prescribed under this rule, the President or Vice-President may make an order for substituted service in such manner as he may deem fit and such service shall have the same effect as service in the manner prescribed under this rule.

**RULES OF PROCEDURE: ENFORCEMENT***Interpretation*

## 1. In this Schedule—

“application for enforcement” means an application by the Commission under section 16(1) of the Act of 1989 for enforcement of an undertaking or directions;

“directions”, except in rule 11, means directions given by the Commission under section 12, 13, 14, 33 or 34 of the Act of 1989 or substituted by the Fair Employment Tribunal for Northern Ireland under section 15 of that Act and includes directions given by the Fair Employment Agency for Northern Ireland before the commencement of section 15 of the Act of 1989 or substituted by the Fair Employment Appeals Board under section 14 of the Act of 1976 for such directions;

“party” means the Commission or the respondent;

“undertaking”, except in rule 7(1)(c), means an undertaking given to the Commission under section 12, 13, 14, 33 or 34 of the Act of 1989 and includes an undertaking given to the Fair Employment Agency for Northern Ireland under section 13(1) or (5) of the Act of 1976 before the commencement of section 12 of the Act of 1989.

*Application for enforcement*

2. An application for enforcement shall be made by the Commission presenting to the Secretary a notice of application for enforcement which shall be in writing and shall set out—

- (a) the name of the Commission and its address for the service of documents;
- (b) the name and address of the respondent;
- (c) the date and particulars of the undertaking or directions; and
- (d) the grounds for the application.

*Action upon receipt of a notice of application for enforcement*

3. Upon receiving a notice of application for enforcement the Secretary shall enter particulars of it in the Register and shall forthwith send a copy of it to the respondent and inform the parties in writing of the case number of the application for enforcement entered in the Register (which shall thereafter constitute the title of the proceedings) and of the address to which notices and other communications to the Secretary shall be sent.

*Application to enforce, revoke or vary a tribunal order*

4.—(1) An application to the Fair Employment Tribunal for Northern Ireland—

- (a) under section 16(6)(b) of the Act of 1989 for the enforcement of an order under section 16(3)(a) thereof; or

- (b) under section 16(7)(a) of the Act of 1989 for the revocation or variation of the terms of an order under section 16(3) thereof,

shall be made by presenting a notice to the Secretary.

(2) Upon receiving a notice under paragraph (1) the Secretary shall forthwith send a copy to the parties (other than the party making the application).

*Power to require further particulars and attendance of witnesses and to grant discovery*

5.—(1) A tribunal may on the application of a party to the proceedings made either by notice to the Secretary or at the hearing—

- (a) require a party to furnish in writing to the person specified by the tribunal further particulars of the grounds on which he relies and of any facts and contentions relevant thereto;
- (b) grant to a party such discovery or inspection (including the taking of copies) of documents as might be granted by a county court; and
- (c) require the attendance of any person as a witness, wherever such person may be within Northern Ireland, and may, if it does so require the attendance of a person, require him to produce any document relating to the matter to be determined;

and may appoint the time at or within which or the place at which any act required in pursuance of this rule is to be done.

(2) A person on whom a requirement has been made under paragraph (1)(a) or (b) on an *ex parte* application and a person on whom a requirement has been made under paragraph (1)(c) may apply to the Fair Employment Tribunal for Northern Ireland by notice to the Secretary before the appointed time at or within which the requirement is to be complied with to vary or set aside the requirement. Notice of an application under this paragraph to vary or set aside a requirement shall be given to the parties (other than the party making the application).

(3) Every document containing a requirement under paragraph (1)(b) or (c) shall contain a reference to the fact that under section 5(8) and (9) of the Act of 1989 any person who without reasonable excuse fails to comply with any such requirement shall be liable on summary conviction to a fine and if without reasonable excuse the failure continues after conviction, shall be liable on a second or subsequent summary conviction to a fine for each day on which the failure continues and the document shall state the amounts of the current maximum fines.

*Time and place of hearing*

6. Subject to section 16(4)(c) of the Act of 1989, the President or Vice-President shall fix the date, time and place of any hearing related to an application for enforcement and the Secretary shall not less than 14 days (or such shorter time as may be agreed by him with the parties) before the date so fixed send to each party a notice of hearing which shall include information and guidance as to attendance at the hearing, witnesses and the bringing of documents (if any), representation by another person and written representations.

*Hearing*

7.—(1) Any hearing related to an application for enforcement shall take place in public unless in the opinion of a tribunal a private hearing is appropriate for the purpose of 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 or hearing evidence from any person which in the opinion of the tribunal is likely to consist of—

- (a) information which he could not disclose without contravening a prohibition imposed by or under any enactment;
- (b) 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;
- (c) information the disclosure of which would cause substantial injury to any undertaking of his or in which he works; or

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

(2) If a party shall desire to submit representations in writing for consideration by a tribunal at any hearing related to an application for enforcement that party shall present such representations to the Secretary not less than 7 days before the hearing and shall at the same time send a copy to the other party or parties.

(3) Subject to section 16(4)(c) of the Act of 1989, 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 including in the case of the respondent, a representative of an employers' association;

(b) shall be entitled to make an opening statement, to give evidence, to call witnesses, to question any witnesses and to address the tribunal.

(4) If a party shall fail to appear or to be represented at the time and place fixed for any hearing, a tribunal may, subject to section 17 of the Act of 1989, 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 in pursuance of paragraph (2).

(5) 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.

#### *Decision of tribunal*

8.—(1) A decision of a tribunal may be taken by a majority thereof and, if the tribunal shall be constituted of two members only, the chairman shall have a second or casting vote.

(2) The decision of a tribunal shall be recorded in a document signed by the chairman which shall contain the reasons for the decision.

(3) The clerk to the tribunal shall transmit the document signed by the chairman to the Secretary who shall as soon as may be enter it in the Register and shall send a copy of the entry to each of the parties.

(4) The specification of the reasons for the decision shall be omitted from the Register in any case in which evidence has been heard in private and the tribunal so directs and in that event a specification of the reasons shall be sent to the parties and to any superior court in any proceedings relating to such decision together with the copy of the entry.

(5) The Register shall be kept at the Office of the Tribunals and shall be open to the inspection of any person without charge at all reasonable hours.

(6) Clerical mistakes in documents recording a tribunal's decisions, or errors arising in them from an accidental slip or omission, may at any time be corrected by the chairman by certificate under his hand.

(7) The clerk to the tribunal shall send a copy of any document so corrected and the certificate of the chairman to the Secretary who shall as soon as may be make such correction as may be necessary in the Register and shall send a copy of the corrected entry or of the corrected specification of the reasons, as the case may be, to each of the parties.

(8) If any decision is—

(a) corrected under paragraph (6); or

(b) altered in any way by order of a superior court,

the Secretary shall alter the entry in the Register to conform with any such certificate or order and shall send a copy of the new entry to each of the parties.

(9) Where by this rule a document is required to be signed by the chairman but by reason of death or incapacity the chairman is unable to sign such document it shall be signed by the other members of the tribunal, who shall certify that the chairman is unable to sign.

### *Costs*

9.—(1) A tribunal may make an order that a party to the proceedings shall pay to another party either a specified sum in respect of the costs or expenses of or in connection with the proceedings incurred by that other party or the whole or part of those costs or expenses as taxed (if not otherwise agreed).

(2) Where a tribunal has on the application of a party to the proceedings postponed the day or time fixed for or adjourned any hearing, the tribunal may make orders against or, as the case may require, in favour of that party as at paragraph (1) as respects any costs or expenses incurred as a result of the postponement or adjournment.

(3) Any costs required by an order under this rule to be taxed may be taxed in the county court according to such of the scales prescribed by the county court rules for proceedings in the county court as shall be directed by the order.

### *Miscellaneous powers of tribunal*

10.—(1) Subject to the provisions of these Rules, the Fair Employment Tribunal for Northern Ireland may regulate its own procedure.

(2) A tribunal may, if it thinks fit,—

(a) extend the time appointed by or under these Rules for doing any act notwithstanding that the time appointed may have expired;

(b) postpone the day or time fixed for, or adjourn, any hearing;

(c) make any necessary amendments to the description of a party in the Register and in other documents relating to the application for enforcement;

(d) if the Commission shall at any time give notice of the abandonment of its application for enforcement, dismiss the application;

(e) if the parties agree in writing upon the terms of a decision to be made by the tribunal, decide accordingly;

(f) on the application of the respondent, or of its own motion, order to be struck out any application for enforcement for want of prosecution: Provided that before making any such order the tribunal shall send notice to the Commission giving it an opportunity to show cause why such an order should not be made.

(3) Subject to rule 5(2), a tribunal may, if it thinks fit, before granting an application under rule 5 or 11 require the party making the application to give notice of it to the other party or parties. The notice shall give particulars of the application and indicate the address to which and the time within which any objection to the application shall be made being an address and time specified for the purposes of the application by the tribunal.

(4) Any act, other than a hearing of an application for enforcement or a hearing under section 16(4)(c), (6)(b) or (7)(a) of the Act of 1989, required or authorised by these Rules to be done by a tribunal may be done by, or on the direction of, the President or Vice-President or the chairman of the tribunal, or any chairman being a member of the panel of chairmen.

(5) Rule 9 shall apply to an order dismissing proceedings under paragraph (2)(d).

*Extension of time and directions*

11.—(1) An application to the Fair Employment Tribunal for Northern Ireland for an extension of the time appointed by or under these Rules for doing any act may be made by a party either before or after the expiration of any time so appointed.

(2) A party may at any time apply to the Fair Employment Tribunal for Northern Ireland for directions on any matter arising in connection with the proceedings.

(3) An application under this rule shall be made by presenting to the Secretary a notice of application, which shall state the title of the proceedings and shall set out the grounds of the application.

(4) The Secretary shall give notice to the parties of any extension of time granted under rule 10(2)(a) or any directions given in pursuance of this rule.

*Notices, etc*

12.—(1) Any notice given under these Rules shall be in writing.

(2) All notices and documents required by these Rules to be presented to the Secretary may be presented at the Office of the Tribunals or such other office as may be notified by the Secretary to the parties.

(3) All notices and documents required or authorised by these Rules to be sent or given to any person hereinafter mentioned may be sent by post (subject to paragraph (5)) or delivered to or at—

(a) in the case of a notice or document directed to a party—

(i) his address for service specified in the notice of application for enforcement or in a notice under paragraph (4); or

(ii) if no address for service has been so specified, his last known address or place of business in the United Kingdom or, if the party is a corporation, the corporation's registered or principal office in the United Kingdom or, in any case, at such address or place outside the United Kingdom as the President or Vice-President may allow;

(b) in the case of a notice or document directed to a court, the office of the clerk of the court;

(c) in the case of a notice or document directed to any person (other than a person specified in the foregoing provisions of this paragraph), his address or place of business in the United Kingdom, or if such a person is a corporation, the corporation's registered or principal office in the United Kingdom;

and if sent or given to the authorised representative of a party shall be deemed to have been sent or given to that party.

(4) A party may at any time by notice to the Secretary and to the other party or parties change his address for service under these Rules.

(5) The recorded delivery service shall be used instead of the ordinary post—

(a) where a copy of a notice of an application for enforcement is not delivered;

(b) where a copy of a notice under rule 4(1) is not delivered;

(c) for service of an order made under rule 5(1)(c) requiring the attendance of a witness;

(d) for the service of an order under section 16(3) or (7) of the Act of 1989.

(6) Where for any sufficient reason service of any document or notice cannot be effected in the manner prescribed under this rule, the President or Vice-President may make an order for substituted service in such manner as he may deem fit and such service shall have the same effect as service in the manner prescribed under this rule.

*(This note is not part of the Regulations.)*

These Regulations regulate the procedure of the Fair Employment Tribunal for Northern Ireland (“the Tribunal”) in relation to all proceedings under the Fair Employment (Northern Ireland) Acts.

Schedule 1 contains rules of procedure which apply to complaints of unlawful discrimination under section 24 of the Fair Employment (Northern Ireland) Act 1976 (“the Act of 1976”), as substituted by section 50 of the Fair Employment (Northern Ireland) Act 1989 (“the Act of 1989”).

Schedule 2 contains rules of procedure which apply to appeals against directions given by the Fair Employment Commission for Northern Ireland (“the Commission”) and to appeals against a refusal by the Commission to cancel a notice of non-qualification for public contracts or financial assistance from a Northern Ireland department.

Schedule 3 contains rules of procedure which apply to proceedings on applications by the Commission under section 16(1) of the Act of 1989 for enforcement of—

- (a) undertakings given to the Commission under the Act of 1989 or given to the Fair Employment Agency for Northern Ireland under the Act of 1976 before the commencement of section 12 of the Act of 1989;
- (b) directions given by the Commission or substituted by the Tribunal under the Act of 1989 or given by the Fair Employment Agency for Northern Ireland or substituted by the Fair Employment Appeals Board under the Act of 1976 before the commencement of section 15 of the Act of 1989.

Schedule 3 also applies to proceedings before the Tribunal to enforce, revoke or vary an order of the Tribunal made on an application under section 16(1) of the Act of 1989.