

## SCHEDULE 5

### INDUSTRIAL TRIBUNALS (IMPROVEMENT AND PROHIBITION NOTICES APPEALS) RULES OF PROCEDURE

#### **Power to require attendance of witnesses and production of documents, etc.**

5.—(1) A tribunal may on the application of a party 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) require the attendance of any person in Northern Ireland, including a party, either to give evidence or to produce any documents or both; or
- (c) require one party to grant to another such discovery or inspection (including the taking of copies) of documents as might be granted by a county court,

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) Where a requirement has been imposed under paragraph (1) –

- (a) on a party in his absence; or
- (b) on a person other than a party,

that party or person may apply to the tribunal by notice to the Secretary to vary or set aside the requirement. Such notice shall be given before the time at which or, as the case may be, the expiration of the time within which the requirement is to be complied with, and the Secretary shall give notice of the application to each party, or where applicable, each party other than the party making the application.

(3) If a requirement under paragraph (1) is not complied with, the tribunal –

- (a) may make an order in respect of costs under rule 11(1); or
- (b) before or at the hearing, may strike out the whole or part of the notice of appeal,

but a tribunal shall not exercise its powers under this paragraph unless it has sent notice to the party who has not complied with the requirement giving him an opportunity to show cause why the tribunal should not do so, or the party has been given an opportunity to show cause orally why the powers conferred by this paragraph should not be exercised.

(4) Every document containing a requirement under paragraph (1)(b) or (c) shall contain a reference to the fact that, under Article 9(4) of the Industrial Tribunals Order, any person who without reasonable excuse fails to comply with any such requirement shall be liable on summary conviction to a fine, and the document shall state the amount of the current maximum fine.