SCHEDULE 2

INDUSTRIAL TRIBUNALS (NATIONAL SECURITY) RULES OF PROCEDURE

Responding to a claim

3.—(1) If before the expiry of the period for entering the response –

(a) a direction of the Secretary of State under rule 54(1)(b) (exclusion of claimant) applicable to this stage of the proceedings is given; or

(b) the Secretary of State has informed the Secretary in accordance with rule 54(3) that he wishes to address the tribunal or chairman with a view to the tribunal or chairman making an order under rule 54(2) applicable to this stage of the proceedings to exclude the claimant,

rule 4(4)(d) (grounds for the response) of Schedule 1 shall not apply and paragraphs (2) and (3) shall apply instead.

(2) In a case falling within paragraph (1)(b), if the tribunal or chairman decides not to make an order under rule 54(2), the respondent shall within 28 days of the decision present to the Office of the Tribunals the written grounds on which he resists the claim. On receiving the written grounds the Secretary shall send a copy of them to all other parties and they shall be treated as part of the response.

(3) In a case falling within paragraph (1)(b) where the tribunal or chairman makes the order, or in a case falling within paragraph (1)(a), the respondent shall within 44 days of the direction or order being made, present to the Office of the Tribunals (and, where applicable, to the special advocate) the written grounds on which he resists the claim and they shall be treated as part of the response.

(4) The time limits in paragraphs (2) and (3) may be extended if it is just and equitable to do so and if an application is presented to the Office of the Tribunals before the expiry of the relevant time limit. The application must explain why the respondent cannot comply with the time limit.