SCHEDULE 4 Regulation 12(3)(b)

INDUSTRIAL TRIBUNALS (LEVY APPEALS) RULES OF PROCEDURE
For use only in proceedings on levy appeals

Application of Schedule 1

1. Subject to rules 8 and 9, Schedule 1 shall apply to levy appeals. The rules in this Schedule modify the rules in Schedule 1 in relation to levy appeals. 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 an assessment to a levy (the appellant) shall do so by sending to the Board two copies of a notice of appeal which must be substantially in accordance with Form 1 in the Annex to this Schedule, and they must include the grounds of their appeal.

Action on receipt of appeal

3.—(1) Subject to rules 4 and 5, the Board shall, within 21 days of receiving the notice of appeal send the following documents to the Office of the Tribunals –

(a) one copy of the notice of appeal;

(b) a copy of the assessment notice and of any notice by the Board allowing further time for appealing;

(c) a notice giving the Board's address for service under these Rules where that address is different from the address specified in the assessment notice as the address for service of a notice of appeal; and

(d) any representations in writing relating to the appeal that the Board wishes to submit to the tribunal.

(2) Failure to comply with any provision of this rule or rule 4 shall not make the appeal invalid.

Requests for further information

4.—(1) Subject to rule 5, this rule applies when, on receiving the notice of appeal, the Board considers that it requires further information on the appellant's grounds for the appeal and of any facts relevant to those grounds.

(2) The Board shall send the appellant a notice specifying the further information required by the Board within 21 days of receiving the notice of appeal.

(3) The appellant shall send the Board two copies of the further information within 21 days of receiving the notice requesting the information, or within such further period as the Board may allow.

(4) Subject to paragraph (5), within 21 days of receiving the further information the Board shall send the following documents to the Office of the Tribunals –

(a) the documents listed in rule 3(1);

(b) a copy of the notice requesting further information;

(c) any further information which has been provided to the Board; and

(d) any representations in writing regarding such information which the Board wishes to submit to the tribunal.

(5) If further information is not received by the Board within the time limit, the documents listed in sub-paragraphs (a) and (b) of paragraph (4) shall be sent by the Board to the Office of the Tribunals –

(a) within 50 days of the receipt of the notice of appeal by the Board; or

(b) if the Board has allowed a further period of time for delivery of further particulars under paragraph (3), within 7 days of the end of that period.

Withdrawal of appeal or assessment

5.—(1) The appellant may withdraw the notice of appeal by notice given to the Board at any time and in that event no further action shall be taken in relation to the appeal.

(2) When an assessment is withdrawn by the Board, it shall notify the Office of the Tribunals and no further action shall be taken in relation to the appeal.

Entry of appeal

6. The Secretary shall as soon as reasonably practicable after receiving from the Board the relevant documents in accordance with rule 3(1), 4(4) or 4(5) –

(a) enter the following details of the appeal in the Register, namely –

(i) the case number;

(ii) the date the Secretary received the relevant documents;

(iii) the name of the appellant;

(iv) the fact that the appeal is an appeal by a person assessed to levy imposed under a levy order made under Article 23(2) of the Industrial Training Order;

(b) give notice to the appellant and to the Board 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;

(c) give notice to the appellant of the Board's address for service; and

(d) send to the appellant a copy of any representations in writing that the Board has submitted to the tribunal under rule 3 or 4.

Order for further information

7.—(1) In any case in which the appellant has not sent to the Board further information which has been requested by the Board in accordance with rule 4, a chairman or tribunal may, on the application of the Board, by notice order the appellant to supply such further information as may be specified in the notice, and the appellant shall send two copies of such information to the Office of the Tribunals within such time as the chairman or tribunal may order.

(2) As soon as is reasonably practicable after receiving the further information from the appellant, the Secretary shall send a copy of the information to the Board.

(3) An order made under paragraph (1) shall be treated as an order made under rule 10 of Schedule 1 for the purposes of rule 13 of Schedule 1 (compliance with orders and practice directions).

Provisions of Schedule 1 which do not apply to levy appeals

8. The following rules of Schedule 1 shall not apply in relation to levy appeals: rules 1 to 9, 16(1)(c), 18(2)(c) and (e), 20 to 25, 33, 34(1)(a), 34(2), 34(4), 38(4), 39, 42(4), 43, 47, 49 to 53, 55, and 60(4)(a), (8) and (9).

Modification of Schedule 1

9. Schedule 1 shall be further modified in relation to levy appeals as follows –

(a) all references in Schedule 1 to a claim or claimant shall be read as references to a levy appeal or to an appellant in a levy appeal respectively and as the context may require;

(b) in rule 60 (notices, etc.) after paragraph 4(f) insert:

"(g) in the case of a notice of an appeal brought under the Industrial Training Order, the Board's address for service specified in the assessment notice;

(h) in the case of any other document directed to the Board, the Board's address for service;".

ANNEX

FORM 1INDUSTRIAL TRAINING (NORTHERN IRELAND) ORDER 1984NOTICE OF APPEAL AGAINST AN ASSESSMENT

TO:

Construction Industry Training Board, 17 Dundrod Road, Crumlin BT29 4SR, Co Antrim

AND

The Secretary of the Industrial Tribunals and the Fair Employment Tribunal

I/We† ..... of

.....

.....*

hereby give notice that I / we† appeal to an industrial tribunal under the Industrial Training (Northern Ireland) Order 1984, Article 24, against the assessment to the levy made by the above-mentioned industry training board on ..... 20 .....being the assessment numbered ..... .

Grounds of appeal

The grounds of my/our† appeal are as follows:

.....

.....

.....

Address for service

All communications regarding the appeal should be addressed to me/us† at .....

*

and to my/our† Solicitor(s)/Agent(s)§,

.....at

*

Date ....

Signed ... .

†Delete if inappropriate.

*Insert address applicable.

§If the notice is signed on behalf of the appellant, the signatory must state in what capacity or what authority he signs.