

SCHEDULE 1

FAIR EMPLOYMENT TRIBUNAL RULES OF PROCEDURE

Case management

General power to manage proceedings

9.—(1) Subject to the following rules, the chairman may at any time either on the application of a party or on his own initiative make an order in relation to any matter which appears to him to be appropriate. Such orders may be any of those listed in paragraph (2) or such other orders as he thinks fit. Subject to the following rules, orders may be issued as a result of a chairman considering the papers before him in the absence of the parties, or at a hearing.

(2) Examples of orders which may be made under paragraph (1) are orders –

- (a) as to the manner in which the proceedings are to be conducted, including any time limit to be observed;
- (b) that a party provide additional information;
- (c) requiring the attendance of any person in Northern Ireland to give evidence and to produce documents or information;
- (d) requiring any person in Northern Ireland to disclose documents or information to a party or to allow a party to inspect such material as might be ordered by a county court;
- (e) extending any time limit, whether or not expired (subject to rules 4(5), 10(2), 21(5), 26(5), 29(1), 31(1), 34(7), 37(5) and 42(9));
- (f) requiring the provision of written answers to questions put by the tribunal or chairman;
- (g) staying the whole or part of any proceedings;
- (h) that part of the proceedings be dealt with separately;
- (i) that different claims be considered together;
- (j) that any person who the chairman or tribunal considers may be liable for the remedy claimed should be made a respondent in the proceedings;
- (k) dismissing the claim against a respondent who is no longer directly interested in the claim;
- (l) postponing or adjourning any hearing;
- (m) varying or revoking other orders;
- (n) giving notice to the parties of a pre-hearing review or a hearing under rule 22;
- (o) giving notice under rule 18;
- (p) giving leave to amend a claim or response;
- (q) that any person who the chairman or tribunal considers has an interest in the outcome of the proceedings may be joined as a party to the proceedings;
- (r) that a witness statement be prepared or exchanged; or
- (s) as to the use of experts or interpreters in the proceedings.

(3) An order may specify the time at or within which and the place at which any act is required to be done. An order may also impose conditions and it shall inform the parties of the potential consequences of non-compliance set out in rule 12.

(4) When a requirement has been imposed under paragraph (1) the person subject to the requirement may make an application under rule 10 (applications in proceedings) for the order to be varied or revoked.

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

(5) An order described in paragraph (2)(d) which requires a person other than a party to grant discovery or inspection of material may be made only when the discovery sought is necessary in order to dispose fairly of the claim or to save expense.

(6) Any order containing a requirement described in paragraph (2)(c) or (d) shall state that under Article 84(9) and (10) of the Fair Employment and Treatment Order, any person who without reasonable excuse fails to comply with the 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 also state the amounts of the current maximum fines.

(7) An order as described in paragraph (2)(i) may be made only if all relevant parties have been given notice that such an order may be made and they have been given the opportunity to make oral or written representations as to why such an order should or should not be made.

(8) Any order made under this rule shall be recorded in writing and signed by the chairman and the Secretary shall inform all parties to the proceedings of any order made as soon as is reasonably practicable.