

SCHEDULE 3

Regulation 10(2)(b)

FAIR EMPLOYMENT TRIBUNAL (ENFORCEMENT) RULES OF PROCEDURE

For use only in proceedings on an application for enforcement

Application of Schedule 1

1. Subject to Articles 16(4)(c) and 17 of the Fair Employment and Treatment Order, Schedule 1 shall apply to appeals against an application for enforcement. The rules in this Schedule modify the rules in Schedule 1 in relation to such applications. 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 application

2. An application for enforcement shall be made by the applicant sending to the Office of the Tribunals a notice of application for enforcement which must include the following –

- (a) the name and address of the applicant and, if different, an address to which notices and documents relating to the application are to be sent;
- (b) the name and address of the respondent;
- (c) details (including the date and particulars) of the undertaking or directions to which the application relates; and
- (d) the grounds for the application.

Action on receipt of application

3. On receiving the notice of application the Secretary shall –

- (a) enter the following details of the application in the Register, namely –
 - (i) the case number;
 - (ii) the date the Secretary received the relevant documents;
 - (iii) the name of the applicant;
 - (iv) the name of the respondent;
- (b) send a copy of the notice of application to the respondent; and
- (c) inform the parties in writing of the case number of the application (which must from then on be referred to in all correspondence relating to the application) and of the address to which notices and other communications to the Office of the Tribunals shall be sent.

Application to enforce, revoke or vary an order

4. In rule 10 of Schedule 1, an application for an order may include an application –

- (a) under Article 16(7)(b) of the Fair Employment and Treatment Order for the enforcement of an order under Article 16(3)(a) of that Order; and
- (b) under Article 16(8)(a) of the Fair Employment and Treatment Order for the revocation or variation of the terms of an order under Article 16(3) of that Order.

Withdrawal of application

5. If the Commission at any time gives notice of the withdrawal of its application in accordance with rule 21 of Schedule 1, the tribunal or chairman shall consider making a costs order under rule 35 in relation to the withdrawal.

Status: This is the original version (as it was originally made).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

Provisions of Schedule 1 which do not apply to applications for enforcement

6. The following rules in Schedule 1 shall not apply in relation to applications for enforcement: rules 1 to 8, 15(1)(c), 17(2)(c), 19, 29, 30(1)(a), 30(2), 30(4), 34(4), 37(4), 41 and 47(8). All references in Schedule 1 to the rules listed in this rule shall have no effect in relation to an application for enforcement.

Modification of Schedule 1

7. Schedule 1 shall be further modified so that all references in Schedule 1 to a claim shall be read as references to a notice of an application for enforcement, as the context may require, and all references to the claimant shall be read as references to the Commission in such an application.