
STATUTORY INSTRUMENTS

1995 No. 1717

INDUSTRIAL TRIBUNALS

**THE INDUSTRIAL TRIBUNALS (ENFORCEMENT
OF ORDERS UNDER THE CIVIL
JURISDICTION AND JUDGMENTS ACT
1982) (SCOTLAND) REGULATIONS 1995**

<i>Made</i>	- - - -	<i>6th July 1995</i>
<i>Laid before Parliament</i>		<i>11th July 1995</i>
<i>Coming into force</i>	- -	<i>1st August 1995</i>

The Secretary of State, in exercise of the powers conferred on him by section 128(3) of, and paragraph 1 of Schedule 9, to the Employment Protection (Consolidation) Act 1978⁽¹⁾, as extended by section 12 of the Civil Jurisdiction and Judgments Act 1982⁽²⁾, and of all other powers enabling him in that behalf, and after consultation with the Council on Tribunals, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Industrial Tribunals (Enforcement of Orders under the Civil Jurisdiction and Judgments Act 1982) (Scotland) Regulations 1995 and shall come into force on 1st August 1995.

Interpretation

2. In these Regulations—

“the Act of 1982” means the Civil Jurisdiction and Judgments Act 1982;

“Contracting State” has the meaning assigned in section 1(3)(3) of the Act of 1982;

“order” means an order for the payment of one or more sums of money contained in a decision of a tribunal;

(1) 1978 c. 44. There are amendments to paragraph 1 of Schedule 9 which are not material for the purposes of these Regulations.
(2) 1982 c. 27. Section 12 has been amended by the Civil Jurisdiction and Judgments Act 1991 (c. 12) Schedule 2, paragraph 7, and extended to court settlements by the Civil Jurisdiction and Judgments (Authentic Instruments and Court Settlements) Order (S.I.1993/604).
(3) Section 1(3) has been amended by the Civil Jurisdiction and Judgments Act 1982 (Amendment) Order (S.I. 1990/2591) and by the Civil Jurisdiction and Judgments Act 1991 (c. 12), sections 2(5) and (6).

and expressions used in these Regulations and in the Industrial Tribunals (Constitution and Rules of Procedure) (Scotland) Regulations 1993(4) shall, unless the context otherwise requires, have the same meaning in these Regulations as they have in those Regulations.

Recognition or enforcement of tribunal decisions in another Contracting State

3.—(1) An interested party who wishes to secure the enforcement or recognition, in another Contracting State, of an order, may apply for—

- (a) a copy of the decision of the tribunal containing that order; and
- (b) a certificate giving particulars relating to the decision and the proceedings in which it was given;

in accordance with paragraph (2) below.

(2) The application shall be in writing and shall state—

- (a) the names of the parties to the proceedings in which the decision was given and, if known by the person applying, the case number of the originating application which relates to those proceedings;
- (b) the date shown on the decision as being the date it was sent to the parties;
- (c) the location of the tribunal which made the decision;
- (d) that the respondent did or did not object to the jurisdiction, and if so, on what grounds;
- (e) the sum or the aggregate sum payable in pursuance of the order (including any expenses), the amount of that sum unsatisfied, and the rate of interest, if any, payable on that sum and the date from which any such interest began to accrue;
- (f) that the time for appealing against the order has expired or as the case may be, the date upon which this will expire, and in either case, if known by the person applying, whether any appeal has been brought against the order and, if so, any outcome of the appeal;
- (g) if known by the person applying, whether enforcement of the order has been stayed or suspended; and
- (h) that the application is made in pursuance of a wish on the part of the person applying to secure the recognition or enforcement of the order in another Contracting State.

(3) The application shall be presented to the Secretary at the Central Office of the Industrial Tribunals (Scotland).

(4) If the Secretary is of the opinion that he is unable to issue a certificate under this regulation unless he is given further information, he shall, in writing, notify the person applying of that fact, specifying what further information is required.

(5) Subject to paragraph (4) of this regulation, upon receiving an application which satisfies the requirements of this regulation, the Secretary shall issue to the person applying—

- (a) a certificate in the Form set out in Schedule 1 to these Regulations, or in a form substantially to the same effect, with such variation as circumstances may require; and
- (b) a copy of the decision as it appears on the Register.

Enforcement of tribunal orders in other parts of the United Kingdom

4.—(1) An interested party who wishes under Schedule 6 to the Act of 1982 to secure the enforcement, in another part of the United Kingdom, of an order made by a tribunal in Scotland, shall apply for a certificate in respect of that order, in accordance with paragraph (2) below.

(4) S.I. 1993/2688, amended by S.I. 1994/538.

- (2) The application shall be in writing and shall—
- (a) state—
- (i) the names of the parties to the proceedings in which the decision containing the order was given and, if known by the person applying, the case number of the originating application which relates to those proceedings;
 - (ii) the date shown on the decision as being the date on which it was sent to the parties;
 - (iii) the location of the tribunal which made the decision;
 - (iv) the sum or the aggregate sum payable in pursuance of the order (including any expenses), the amount of that sum unsatisfied, and the rate of interest, if any, payable on that sum and the date from which any such interest began to accrue; and
 - (v) the address of the party entitled to enforce the order and, to the best information or belief of the person applying, the usual or last known address of the party liable to execution on it; and
- (b) verify that—
- (i) the time for instituting an appeal against the order has expired and that no appeal has been instituted against the order within that time, or that an appeal has been finally disposed of; and
 - (ii) enforcement of the order has not been stayed or suspended and that the time available for enforcement has not expired.
- (3) The application shall be presented to the Secretary at the Central Office of the Industrial Tribunals (Scotland).
- (4) If the Secretary is of the opinion that he is unable to issue a certificate under this regulation unless he is given further information, he shall, in writing, notify the person applying of that fact, specifying the further information required.
- (5) The certificate issued shall be in the form set out as the Form in the Schedule 2 to these Regulations, or in a form substantially to the same effect, with such variation as circumstances may require.

Miscellaneous

5. Any function of the Secretary may be performed by a person acting with the authority of the Secretary.

Signed by order of the Secretary of State.

6th July 1995

Phillip Oppenheim
Parliamentary Under Secretary of State

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SCHEDULE 1

Regulation 3

FORM Certificate under regulation 3 of the Industrial Tribunals (Enforcement of Orders under the Civil Jurisdiction and Judgments Act 1982) (Scotland) Regulations 1995

The Central Office of the Industrial Tribunals (Scotland)

..... (applicant) and
..... (respondent)

I, [the Secretary of the Central Office of the Industrial Tribunals (Scotland)], hereby certify:-

1. That an originating application was presented on the day of 19 by the applicant named above and that a copy of the originating application was sent [by post] to [each of] the respondent[s] named above on the day of 19 .

2. That the originating application sought relief on the grounds that [state briefly the nature of the proceedings].

3. That the respondent, [name] , entered an appearance on the day of 19 or failed to enter an appearance. [Repeat for each respondent as appropriate]

4. That the decision of the industrial tribunal sitting at [upheld the application against the respondent[s] name the respondent or respondents against whom the tribunal found] [dismissed the application against the respondent[s] name the respondent, or respondents in whose favour the tribunal found] [and ordered that the sum of £ be paid by to] [together with £ expenses].

5. That the sum [excluding expenses] mentioned in the preceding paragraph carries interest at the rate of per cent per annum from the day of 19 until payment.

6. That the decision was entered on the Register of Applications and Decisions on the day of 19 and a copy of the entry was sent by me to each of the parties on the day of 19 .

7. That no objection has been made to the jurisdiction of the industrial tribunal or That objection has been made to the jurisdiction of the industrial tribunal by [name] on the grounds that [state grounds of objection].

8. That the time within which an appeal may be brought against the order expires on or has expired.

9. That no appeal has been brought against the order [at the date of this certificate —if time for appeal has not expired] [and the time for bringing an appeal has expired] or that an appeal has been brought against the order and [has/has not] been finally disposed of.

10. That enforcement of the order has not for the time being been stayed or suspended and that the time available for its enforcement has not expired and that the order is accordingly enforceable.

11. That this certificate is issued under regulation 3 of the Industrial Tribunals (Enforcement of Orders under the Civil Jurisdiction and Judgments Act 1982) (Scotland) Regulations 1995.

Signed this day of 19 .

[Secretary,]
Central Office of the Industrial Tribunals (Scotland).

SCHEDULE 2

FORM Certificate under paragraph 4(1) of Schedule 6 to the Civil Jurisdiction and Judgments Act 1982

Regulation 4

Certificate under paragraph 4(1) of Schedule 6 to the Civil Jurisdiction and Judgments Act 1982

The Central Office of the Industrial Tribunals (Scotland)

..... (applicant) and
..... (respondent)

I,, [the Secretary of the Central Office of the Industrial Tribunals (Scotland)], hereby certify:-

1. That an industrial tribunal sitting at ordered, in a decision entered into the Register on the day of 19, that the sum of £ was payable by to [..... of which the sum of £ is unsatisfied], [together with £ expenses].

2. That the sum [excluding expenses] contained in the order carries interest at the rate of per cent per annum from the day of 19 until payment.

3. That the time for appealing against the order contained in the decision has expired and [no appeal has been brought within that time or an appeal brought within that time has been finally disposed of].

4. That enforcement of the order has not for the time being been suspended and that the time available for its enforcement has not expired.

5. That this certificate is issued under paragraph 4(1) of Schedule 6 to the Civil Jurisdiction and Judgments Act 1982 in the form prescribed by regulation 4 of the Industrial Tribunals (Enforcement of Orders under the Civil Jurisdiction and Judgments Act 1982) (Scotland) Regulations 1995.

Signed this day of 19

[Secretary.]
Central Office of the Industrial Tribunals (Scotland).

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations provide for the issue of copies of, and certificates in connection with, orders for the payment of a sum of money (“money orders”) issued by Scottish industrial tribunals, in order to enable an interested party to secure the recognition or enforcement of that order in another state which is a Contracting State under:

(a) the Convention on Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters (including the Protocol annexed to that Convention), signed at Brussels on 27th September 1968; or

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(b) the Convention on Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters (including the Protocols annexed to that Convention) opened for signature at Lugano on the 16th September 1988.

These Regulations also prescribe the manner of application for, and form of, a certificate in respect of money orders issued by Scottish industrial tribunals, in order to enable an interested party to secure the enforcement of that order in another part of the United Kingdom under Schedule 6 to the Civil Jurisdiction and Judgments Act 1982.