

SCHEDULE 3

THE EMPLOYMENT TRIBUNALS (EQUAL VALUE) COMPLEMENTARY RULES OF PROCEDURE (SCOTLAND) *For use only in proceedings involving an equal value claim*

PART I

—ordinary cases

Modification of rule 4 of Schedule 1

1. In rule 4 of Schedule 1 (case management)—

(a) after paragraph (5), insert—

“(5A) Subject to paragraph (5B), a tribunal may, on the application of an expert who has been required by the tribunal to prepare a report—

(a) require any person whom the tribunal is satisfied may have information which may be relevant to the question or matter on which the expert is required to report to furnish, in writing, such information as the tribunal may require;

(b) require any person to produce any documents which are in the possession, custody or power of that person and which the tribunal is satisfied may contain matter relevant to the question on which the expert is required to report.

(5B) A tribunal shall not make a requirement under paragraph (5A)—

(a) of a conciliation officer who has acted in connection with the complaint under section 18 of the 1996 Act, or

(b) if it is satisfied that the person so required would have good grounds for refusing to comply with the requirement if it were a requirement made in connection with a hearing before the tribunal.

(5C) A person, whether or not a party, upon whom a requirement has been made under paragraph (5A), may apply to the tribunal by notice to the Secretary before the appointed time at or within which the requirement is to be complied with to vary or set aside the requirement. Notice of such application shall be given to the parties and to the expert upon whose application the requirement was made.”; and

(b) for paragraphs (6) and (7), substitute—

“(6) Every document containing a requirement imposed under paragraph (5) or (5A) shall state that, under section 7(4) of the 1996 Act, any person who without reasonable excuse fails to comply with the requirement shall be liable on summary conviction to a fine, and the document shall state the amount of the current maximum fine.

(7) Where a requirement has been imposed under paragraph (1), (5) or (5A)—

(a) on a party in his absence; or

(b) on a person other than a party;

that party or person may apply to the tribunal by notice to the Secretary to vary or set aside the requirement. Such notice shall be given before the time at which or, as the case may be, the expiration of the time within which the requirement is to be complied with, and the Secretary shall give notice of the application to each party, or where applicable, each party other than the party making the application.”