1980 No. 135

INDUSTRIAL TRIBUNALS

Industrial Tribunals (Non-Discrimination Notices Appeals) Regulations (Northern Ireland) 1980

Made . . . . . *21st April 1980*

Coming into operation . . . *1st June 1980*

The Department of Manpower Services in exercise of the powers conferred on it by Article 59(1) and (2) of the Industrial Relations (Northern Ireland) Order 1976(**a**) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Industrial Tribunals (Non-Discrimination Notices Appeals) Regulations (Northern Ireland) 1980 and shall come into operation on 1st June 1980.

Interpretation

2. In these Regulations:—

"the No. 1 Order" means the Industrial Relations (Northern Ireland) Order 1976;

"the Order of 1976" means the Sex Discrimination (Northern Ireland) Order 1976(**b**);

"appellant" means a person who has appealed to a tribunal under Article 68 of the Order of 1976;

"the clerk to the tribunal" means the person appointed by the Secretary of the Tribunals to act in that capacity at one or more hearings;

"the Commission" means the Equal Opportunities Commission for Northern Ireland established under Article 54 of the Order of 1976;

"decision" in relation to a tribunal includes a direction under Article 68(3) of the Order of 1976 and any other order which is not an interlocutory order;

"Department" means the Department of Manpower Services;

"hearing" means a sitting of a tribunal duly constituted for the purpose of receiving evidence, hearing addresses and witnesses or doing anything lawfully requisite to enable the tribunal to reach a decision on any question;

"non-discrimination notice" means a notice under Article 67 of the Order of 1976;

"the Office of the Tribunals" means the Central Office of the Industrial Tribunals;

"party" means the appellant and the Commission;

(a) S.I. 1976/1043 (N.I. 16)—Article 59 was brought into operation on 1st October 1976 by S.R. 1976 No. 218 (C. 11) (I, p. 1009)

(b) S.I. 1976/1042 (N.I. 15)

"the President" means the President of the Industrial Tribunals or the person nominated by the Department to discharge for the time being the functions of the President;

"Register" means the Register kept in pursuance of the Industrial Tribunals (Industrial Relations) Regulations (Northern Ireland) 1976(c);

"Rule" means a Rule of Procedure contained in the Schedule;

"the Secretary of the Tribunals" means the person for the time being acting as the Secretary of the Office of the Tribunals;

"tribunal" means an industrial tribunal established in pursuance of the Industrial Tribunals Regulations (Northern Ireland) 1965(d), and in relation to any proceedings means the tribunal to which the proceedings have been referred.

Proceedings of tribunals

3. The Rules of Procedure contained in the Schedule shall have effect in relation to appeals to a tribunal under Article 68 of the Order of 1976.

Proof of decisions of tribunals

4. The production in any proceedings in any court of a document purporting to be certified by the Secretary of the Tribunals to be a true copy of an entry of a decision in the Register shall, unless the contrary is proved, be sufficient evidence of the document and of the facts stated therein.

Sealed with the Official Seal of the Department of Manpower Services for Northern Ireland on 21st April 1980.

(L.S.) *T. Pearson*

Assistant Secretary

(c) S.R. 1976 No. 262 (II, p. 1290) as amended by S.R. 1977 No. 54 (I, p. 156), S.R. 1977 No. 177 (II, p. 1034) and S.R. 1979 No. 306

(d) S.R. & O. (N.I.) 1965 No. 112 (p. 402) as amended by S.R. & O. (N.I.) 1966 No. 261 (p. 838) and S.R. & O. (N.I.) 1967 No. 109 (p. 345)

SCHEDULE Regulation 3

RULES OF PROCEDURE

Notice of appeal

1. An appeal shall be commenced not later than six weeks after service of the non-discrimination notice, as specified in Article 68(1) of the Order of 1976, by the appellant sending to the Secretary of the Tribunals a notice of appeal which shall be in writing and shall set out:—

(*a*) the name of the appellant and his address for the service of documents;

(*b*) the date of the non-discrimination notice appealed against;

(*c*) the name and address of the Commission;

(*d*) particulars of the requirements appealed against, and

(*e*) the grounds of the appeal.

Action upon receipt of notice of appeal

2. Upon receiving a notice of appeal the Secretary of the Tribunals shall enter particulars of it in the Register and shall forthwith send a copy of it to the Commission and inform the parties in writing of the case number of the appeal entered in the Register (which shall thereafter constitute the title of the proceedings) and of the address to which notices and other communications to the Secretary of the Tribunals shall be sent.

Power to require attendance of witnesses and production of documents, etc.

3.—(1) A tribunal may on the application of a party made either by notice to the Secretary of the Tribunals or at the hearing—

(*a*) require a party to furnish in writing to another party further particulars of the grounds on which he relies and of any facts and contentions relevant thereto;

(*b*) grant to a party such discovery or inspection of documents as might be granted by a county court; and

(*c*) require the attendance of any person as a witness or require the production of any document relating to the matter to be determined;

and may appoint the time at or within which or the place at which any act required in pursuance of this Rule is to be done.

(2) The tribunal shall not under paragraph (1) require the production of any document certified by the Secretary of State as being a document of which the production would be against the interests of national security, public safety or public order.

(3) A person on whom a requirement has been made under paragraph (1) may apply to the tribunal to vary or set aside the requirement.

(4) No such application to vary or set aside shall be entertained in a case where a time has been appointed under paragraph (1) in relation to the requirement unless it is made before the time or, as the case may be, expiration of the time so appointed.

(5) Every document containing a requirement under paragraph (1)(*b*) or (*c*) shall contain a reference to the fact that under Article 59(11) of the No. 1 Order any person who without reasonable excuse fails to comply with any such requirement shall be liable on summary conviction to a fine not exceeding £100.

Time and place of hearing

4. The Department shall fix the date, time and place of the hearing of the appeal and the Secretary of the Tribunals shall not less than 14 days (or such shorter time as may be agreed by him with the parties) before the date so fixed