1979 No. 324

HEALTH AND SAFETY

INDUSTRIAL TRIBUNALS

The Industrial Tribunals (Improvement and Prohibition Notices Appeals) Regulations (Northern Ireland) 1979

Made . . . . . *13th September* 1979

Coming into operation . . . *22nd October* 1979

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 Article 26(1) of the Health and Safety at Work (Northern Ireland) Order 1978(b) 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 (Improvement and Prohibition Notices Appeals) Regulations (Northern Ireland) 1979 and shall come into operation on 22nd October 1979.

Interpretation

2. In these Regulations—

"the Order of 1976" means the Industrial Relations (Northern Ireland) Order 1976;

"the Order of 1978" means the Health and Safety at Work (Northern Ireland) Order 1978;

"appellant" means a person who has appealed to a tribunal under Article 26 of the Order of 1978;

"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;

"decision" in relation to a tribunal includes a direction under Rule 4 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;

"improvement notice" means a notice under Article 23 of the Order of 1978;

"inspector" means a person appointed under Article 21(1) of the Order of 1978;

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

"party" means the appellant and the respondent;

(a) S.I. 1976/1043 (N.I. 16)—brought into operation by S.R. 1976 No. 218 (C. 11) and S.R. 1976 No. 391 (C. 18)

(b) S.I. 1978/1039 (N.I. 9)—brought into operation by S.R. 1978 No. 384 (C. 21)

"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;

"prohibition notice" means a notice under Article 24 of the Order of 1978;

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

"respondent" means the inspector who issued the improvement notice or prohibition notice which is the subject of the appeal;

"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**) as amended, 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 26 of the Order of 1978 against improvement notices or prohibition notices.

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 13th September 1979.

(L.S.) *J. S. Crozier*
Senior Assistant Secretary

(c) S.R. 1976 No. 262
(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 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 improvement notice or prohibition notice appealed against and the address of the premises or place concerned;

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

(*d*) particulars of the requirements or directions appealed against; and

(*e*) the grounds of appeal.

Time limit for bringing appeal

2. The notice of appeal shall be sent to the Secretary of the Tribunals within 21 days from the date of the service on the appellant of the notice appealed against.

Action upon receipt of notice of appeal

3. 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 respondent 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.

Application for direction suspending the operation of a prohibition notice

4.—(1) Where an appeal has been brought against a prohibition notice and an application is made to the tribunal by the appellant in pursuance of Article 26(2)(*b*) of the Order of 1978 for a direction suspending the operation of the notice until the appeal is finally disposed of or withdrawn, the application shall be sent in writing to the Secretary of the Tribunals and shall set out:—

(*a*) the case number of the appeal if known to the appellant or particulars sufficient to identify the appeal; and

(*b*) the grounds on which the application is made.

(2) Upon receiving the application, the Secretary of the Tribunals shall enter particulars of it against the entry in the Register relating to the appeal and shall forthwith send a copy of it to the respondent.

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

5.—(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.