EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations consolidate the National Insurance (Mariners) Regulations (Northern Ireland) 1948 and subsequent amending regulations which are set out in Schedule 4 and are revoked by regulation 26.

Apart from regulation 23 which introduces a provision to facilitate the computation of seamen's graduated contributions no amendments other than those of a drafting or consequential nature have been made.

1967. No. 109 **[C]**

INDUSTRIAL TRAINING

Industrial Tribunals

REGULATIONS, DATED 12TH MAY 1967, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE INDUSTRIAL TRAINING ACT (NORTHERN IRELAND) 1964 AND THE CONTRACTS OF EMPLOYMENT AND REDUNDANCY PAYMENTS ACT (NORTHERN IRELAND) 1965.

The Ministry of Health and Social Services, in exercise of powers conferred by section 13 of the Industrial Training Act (Northern Ireland) 1964(**a**) and by section 52 of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965(**b**), and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation and interpretation

1.—(1) These regulations may be cited as the Industrial Tribunals (Amendment) Regulations (Northern Ireland) 1967.

(2) In these regulations "the principal regulations" mean the Industrial Tribunals Regulations (Northern Ireland) 1965(**c**).

Amendment to regulation 3 of the principal regulations

2. In regulation 3 of the principal regulations there shall be substituted the following paragraphs for paragraph (1):—

"(1) Subject to the provisions of paragraph (1A), a tribunal shall consist of a chairman and two other members, but in the absence of any one member of a tribunal other than the chairman, an appeal may with the consent of the parties be heard in the absence of such member, and in that event the tribunal shall be deemed to be properly constituted.

(1A) A tribunal may consist of the President or the chairman for any of the following purposes, that is to say:—

(**a**) 1964. c. 18 (N.I.).
(**b**) 1965. c. 19 (N.I.).
(**c**) S.R. & O. (N.I.) 1965, No. 112 as amended by S.R. & O. (N.I.) 1966, No. 261.

(*a*) making an order dismissing the proceedings where the appellant or applicant has given written notice of the abandonment of his appeal or application;

(*b*) making an order allowing the appeal where the Board has given written notice that the appeal is not contested;

(*c*) deciding an appeal or application in accordance with the written agreement of the parties;

(*d*) dealing with any interlocutory matter or application;

(*e*) making an order for costs in connection with an order or decision mentioned in the foregoing sub-paragraphs.".

Amendment to the Schedule to the principal regulations

3. For the Schedule to the principal regulations there shall be substituted the Schedule to these regulations.

Regulation added to the principal regulations

4. After regulation 4 of the principal regulations there shall be inserted the following regulation:—

"*Proof of decisions of tribunals*

5. 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 of Appeals 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 Ministry of Health and Social Services for Northern Ireland this 12th day of May nineteen hundred and sixty-seven.

(L.S.)

W. G. H. Quigley,
Assistant Secretary.

SCHEDULE

Rules of Procedure

Notice of Appeal

1. An appeal against an assessment to a levy shall be instituted by the appellant sending to the Board in duplicate a notice of appeal which shall be in accordance with Form 1, and shall set out the grounds of the appeal.

Action upon receipt of appeal

2.—(1) Subject to the provisions of Rules 3 and 4, the Board upon receiving the notice of appeal shall send within 21 days to the Secretary of the Tribunals—

(*a*) one copy of the notice of appeal;

(*b*) a copy of the assessment notice and of any notice by the Board allowing further time for appealing;

(*c*) a notice giving the Board's address for service under these Rules where that address is different from the address specified in the assessment notice as the address for service of a notice of appeal; and

(*d*) any representations in writing relating to the appeal that the Board may then desire to submit to the tribunal.

(2) Failure to comply with any provision of this or the next following Rule shall not render the appeal or anything done in pursuance thereof invalid.

Further particulars of appeal

3.—(1) Subject to Rule 4, this Rule applies in a case where the Board upon receiving the notice of appeal requires further particulars of the grounds on which the appellant intends to rely and of any facts and contentions relevant thereto.

(2) The Board shall within 21 days of receiving the notice of appeal send to the appellant a notice specifying the further particulars required by the Board.

(3) The appellant shall within 21 days of receiving the said notice, or within such further period as the Board may allow, send to the Board in duplicate such further particulars.

(4) Subject to the provisions of the next following paragraph, the Board shall within 21 days of receiving such further particulars send to the Secretary of the Tribunals—

(*a*) the documents specified in Rule 2;

(*b*) a copy of the notice requiring the further particulars; and

(*c*) such further particulars, and any representations in writing with respect thereto that the Board may then desire to submit to the tribunal.

(5) If such further particulars are not received by the Board in due time the documents mentioned in sub-paragraphs (*a*) and (*b*) of the foregoing paragraph shall be sent by the Board to the Secretary of the Tribunals not later than—

(*a*) the 50th day after the receipt of the notice of appeal by the Board; or

(*b*) if the Board has allowed a further period of time for delivery of further particulars under paragraph (3) of this Rule, the 7th day after the expiration of such period.

Withdrawal of appeal or assessment

4.—(1) The appellant may withdraw the notice of appeal by notice given to the Board at any time before the entry of the appeal in the Register of Appeals under Rule 5(*a*) and in that event no further action shall be taken in relation to the appeal.

(2) Where an assessment is withdrawn by the Board, no further action shall be taken in relation to the appeal.

Entry of appeal

5. Upon receiving from the Board the relevant documents in accordance with Rule 2(1), Rule 3(4) or Rule 3(5) the Secretary of the Tribunals shall as soon as may be—

(*a*) enter particulars of the appeal in the Register of Appeals;

(*b*) give notice to the appellant and to the Board of the case number of the appeal entered in the Register (which shall thereafter constitute the title of the appeal) and of the address to which notices and other communications to the Secretary of the Tribunals shall be sent;

(*c*) give notice to the appellant of the Board's address for service under these Rules; and

(*d*) send to the appellant a copy of any representations in writing that the Board has submitted to the tribunal under Rule 2 or Rule 3.

Directions for further particulars

6.—(1) In any case in which an appellant has not sent to the Board further particulars in accordance with a notice sent by the Board under Rule 3 the tribunal may, on the application of the Board (which may be sent to the Secretary of the Tribunals with the documents referred to in Rule 3(5)), by notice direct the appellant to supply such further particulars of the grounds on which he intends to rely and of any facts and contentions relevant thereto as may be specified in the notice, and the appellant shall send such particulars in duplicate to the Secretary of the Tribunals within such time as the tribunal shall direct.

(2) Upon receipt of further particulars from the appellant the Secretary of the Tribunals shall send a copy thereof to the Board.

(3) If the appellant makes default in complying with a direction made by the tribunal under this Rule the tribunal may on the application of the Board dismiss the appeal or give such other directions as may seem proper.

(4) The tribunal may at any time by notice direct the Board to furnish any particulars relating to the assessment which appear to be requisite for the decision of the appeal, and thereupon the Board shall send the particulars to the Secretary of the Tribunals and to the appellant.

Attendance of witnesses and discovery

7.—(1) On the application of the appellant or the Board made either by notice to the Secretary of the Tribunals or at the hearing the tribunal may—

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

(*b*) require any person (including a party to the proceedings) to attend as a witness and to give evidence or to produce any documents in his possession or power which relate to the appeal;

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) A party on whom a requirement has been made under paragraph (1)(*a*) of this Rule or a person on whom a requirement has been made under paragraph (1)(*b*) may, if such requirement was made upon an *ex parte* application, apply to the tribunal to vary or set aside the requirement, and notice of such an application shall be given to the party upon whose application the requirement was made.

(3) No application to vary or set aside a requirement as aforesaid shall be entertained by the tribunal in a case where a time has been appointed in relation to the requirement unless the application is made before the time or, as the case may be, the expiration of the time so appointed.

(4) Every document containing a requirement under paragraph (1) of this Rule shall contain a reference to the fact that under section 52(4) of the Contracts