(*b*) subsequently entered the employment of that or some other authority,

then the employing authority under which he is a contributory employee may determine that the whole or any part of that period shall be taken into account in reckoning his non-contributing service,

Provided that if the employing authority make such a determination, there shall be paid into the superannuation fund by the employing authority such amount as the Committee may determine to be actuarially equivalent to the additional liability incurred by the superannuation fund thereby.".

(3) In regulation 20 proviso (ii), regulation 25(1)(d) proviso (viii) and regulation 49 proviso (a), after the word "authority", where it respectively occurs, there shall be inserted the words "or a welfare authority".

Sealed with the Official Seal of the Ministry of Development for Northern Ireland this 24th day of November 1966.

(L.S.)

W. K. Fitzsimmons,
Minister of Development.

EXPLANATORY NOTE

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

These regulations give medical, dental and nursing staff employed by welfare authorities rights enjoyed by their counterparts in health authority employment; and re-instate a provision for reckoning of service, contained in the Local Government (Superannuation) (Amendment) Regulations (Northern Ireland) 1959 but omitted from the 1962 Regulations.

1966. No. 275 **[C]**

INDUSTRIAL TRIBUNALS

Selective Employment Payments

REGULATIONS, DATED 29TH NOVEMBER 1966, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER SECTION 52 OF 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 52 of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965(a) and of all other powers enabling it in that behalf hereby makes the following Regulations:

(a) 1965. c. 19 (N.I.).

Citation and commencement

1. These Regulations may be cited as the Industrial Tribunals (Selective Employment Payments) Regulations (Northern Ireland) 1966 and shall come into operation on 5th December 1966.

Interpretation

2.—(1) In these Regulations—

"applicant" means a person who in pursuance of Rule 1 has sent an originating application to the Secretary of the Tribunals for a decision of a tribunal;

"the appropriate Ministry" in relation to any proceedings means the Ministry against which a decision of a tribunal is being sought;

"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;

"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 reference;

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

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

"the Register" means the Register of Applications and Decisions kept in pursuance of these Regulations;

"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 Central Office of the Industrial Tribunals;

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

(2) A form referred to by number means the form so numbered in the Appendix to the Schedule.

Procedure of tribunals

3.—(1) The Rules of Procedure contained in the Schedule shall have effect in relation to proceedings to which this Regulation applies.

(2) This Regulation applies to proceedings by an employer under section 8 of the Selective Employment Payments Act (Northern Ireland) 1966(**b**) for the determination of any question as to—

(*a*) whether any business or part of a business of that employer is an establishment satisfying the requirements of section 1(2)(*a*) and (*b*) or section 2(2)(*a*) and (*b*) of that Act;

(*b*) whether an establishment of that employer should be restored to a register maintained under subsection (1) of the said section 8;

(*c*) the date as from which an establishment of that employer shall be deemed to have been registered under subsection (1) of the said section 8; or

(*d*) the amount, if any, which falls to be paid to that employer under section 1, 2, 3 or 6 of that Act.

(**a**) S.R. & O. (N.I.) 1965, No. 112. (**b**) 1966, c. 32 (N.I.).

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 Ministry of Health and Social Services for Northern Ireland this 29th day of November 1966.

(L.S.) *L. B. Jagoe,*
Assistant Secretary.

SCHEDULE

Rules of Procedure

Originating application

1. Proceedings for the determination by a tribunal of any question shall be instituted by the applicant sending to the Secretary of the Tribunals an originating application which shall be in accordance with such one of Forms 1 to 5 as is appropriate to the case and shall set out the grounds of the application.

Registering of originating application

2. Upon receiving an originating application the Secretary of the Tribunals shall enter particulars of it in the Register and shall forthwith send a copy of it to the appropriate Ministry and shall inform the applicant and the appropriate Ministry in writing of the case number of the originating application entered in the Register which shall thereafter constitute the title of the proceedings.

Power to require further particulars and attendance of witnesses and to grant discovery

3.—(1) The tribunal may on the application of the appropriate Ministry made either by notice to the Secretary of the Tribunals or at the hearing of the originating application—

(*a*) require the applicant to furnish in writing to the appropriate Ministry and either to the Secretary of the Tribunals or the clerk to the tribunal (as the tribunal shall specify) further particulars of the grounds on which he relies and of any facts and contentions relevant thereto; and

(*b*) grant to the appropriate Ministry such discovery or inspection of documents as might be granted by a county court.

(2) The tribunal may, on the application of the applicant or the appropriate Ministry made either by notice to the Secretary of the Tribunals or at the hearing of the originating application, require the attendance of any person (including the applicant) as a witness or require the production of any document relating to the question to be determined.

(3) On granting an application under this Rule the tribunal 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.

(4) Every document containing a requirement under paragraph (1)(*b*) or paragraph (2) of this Rule shall contain a reference to the fact that under section 52(4) of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 any person who without reasonable excuse fails to comply with any such requirement is liable on summary conviction to a fine not exceeding £50 or imprisonment for a term not exceeding three months or both.

(5) An applicant on whom a requirement has been made under paragraph (1)(*b*) of this Rule on the *ex parte* application of the appropriate Ministry, and a person

on whom a requirement has been made under paragraph (2) of this Rule, may apply to the tribunal to vary or set aside the requirement. No such application to vary or set aside shall be entertained (in a case where a time has been appointed under paragraph (3) of this Rule in relation to the requirement) unless it is made before the time or, as the case may be, expiration of the time so appointed. Notice of the application in accordance with Rule 10(2) shall be given in the case of a requirement under paragraph (1)(*b*) to the Ministry and in the case of a requirement under paragraph (2) to the party on whose application the requirement was made.

Time and place of hearing

4. The Ministry of Health and Social Services shall fix the date, time and place of the hearing of the originating application and the Secretary of the Tribunals shall not less than 14 days before the date so fixed send to the applicant and the appropriate Ministry a notice in accordance with Form 6.

The hearing

5.—(1) Any hearing of or in connection with an originating application shall take place in private, unless the applicant requests that the hearing shall be in public.

(2) If the applicant or the appropriate Ministry shall desire to submit representations in writing for consideration by the tribunal at the hearing of the originating application that party shall send such representations to the Secretary of the Tribunals not less than 7 days before the hearing and shall at the same time send a copy thereof to the other party.

Representation

6.—(1) The applicant may appear at any hearing of or in connection with his originating application and may be heard in person or be represented by counsel or solicitor or by any other person.

(2) The appropriate Ministry may be represented at any hearing of or in connection with an originating application by any of its officers or by counsel or solicitor.

Procedure at hearing

7.—(1) At the hearing of the originating application the applicant and the appropriate Ministry shall be entitled to make opening statements, to call witnesses, to cross-examine any witnesses called by the other party and to address the tribunal.

(2) The applicant may if he so desires give evidence on his own behalf.

(3) If the applicant or the appropriate Ministry shall fail to appear or to be represented at the time and place fixed for the hearing, the tribunal may dispose of the originating application in the absence of such party or parties or may adjourn the hearing to a later date: Provided that before disposing of an application in the absence of either or both parties the tribunal shall consider any representations submitted by such party or parties in pursuance of Rule 5(2).

(4) The tribunal may require any witnesses to give evidence on oath or affirmation, and for that purpose the chairman may administer an oath or affirmation in due form.

Decision of tribunal

8.—(1) A decision of the tribunal may be taken by a majority thereof and, if in accordance with Regulation 3(1) of the Industrial Tribunals Regulations (Northern Ireland) 1965 the tribunal shall be constituted of two members only, the chairman shall have a second or casting vote.

(2) The decision of the tribunal shall be recorded in a document signed by the chairman which shall contain the reasons for the decision.

(3) The clerk to the tribunal shall transmit the document signed by the chairman to the Secretary of the Tribunals who shall as soon as may be enter it in the Register, and shall send a copy of the entry to the applicant and the appropriate Ministry: Provided that the specification of the reasons for the decision shall be omitted from the Register in any case in which the tribunal on the application of the applicant so directs on the ground that disclosure would be contrary to the interests of the applicant, and in that event a specification of the reasons shall be sent to the applicant and the appropriate Ministry together with the copy of the entry.

(4) The Register shall be kept at the Office of the Tribunals and shall be open to the inspection of any person without charge at all reasonable hours.

(5) The chairman of the tribunal shall have power by certificate under his hand to correct in documents recording the tribunal's decisions clerical mistakes or errors arising therein from any accidental slip or omission.

(6) The clerk to the tribunal shall send a copy of any document so corrected and the certificate of the chairman to the Secretary of the Tribunals who shall thereupon make such correction as may be necessary in the Register and shall send a copy of the corrected entry or of the corrected specification of the reasons, as the case may be, to the applicant and the appropriate Ministry.

Costs

9. The decision of the tribunal may include—

(*a*) an order that the appropriate Ministry shall pay to the applicant or that the applicant shall pay to the appropriate Ministry a specified sum in respect of the costs incurred by the applicant or the appropriate Ministry, as the case may be;

(*b*) an order that the applicant shall pay to the Ministry of Health and Social Services a specified sum in respect of the whole, or any part, of any allowances (other than allowances paid to members of tribunals) paid by the Ministry of Health and Social Services under section 13(3) of the Industrial Training Act (Northern Ireland) 1964(**a**) to any person for the purposes of, or in connection with, his attendance at the tribunal.

Miscellaneous powers of tribunal

10.—(1) The tribunal may, if it thinks fit,—

(*a*) extend the time appointed by these Rules for doing any act notwithstanding (subject to the second sentence in Rule 3(5)) that the time appointed may have expired;

(*b*) postpone the day or time fixed for, or adjourn, the hearing of any originating or other application;

(*c*) if the applicant shall at any time give to the Secretary of the Tribunals and the appropriate Ministry notice of the abandonment of his originating application, dismiss the proceedings;

(*d*) if the applicant and the appropriate Ministry agree in writing upon the terms of a decision to be made by the tribunal, decide accordingly.

(2) Subject to the provisions of these Rules the tribunal may regulate its own procedure and may, if it thinks fit, before granting an application under Rule 3 or 11 require the party making the application to give notice of it to the other party. The notice shall give particulars of the application and indicate the address to which and the time within which any objection to the application shall be made being an address and time specified for the purposes of the application by the tribunal.

(3) Any act (other than the hearing of an originating application) required or authorised by these Rules to be done by the tribunal may be done by, or on the

(a) 1964. c. 18 (N.I.).