1965. No. 112 **[C]**

INDUSTRIAL TRAINING

Industrial Tribunals

REGULATIONS, DATED 1ST JUNE, 1965, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE INDUSTRIAL TRAINING ACT (NORTHERN IRELAND) 1964.

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 of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Industrial Tribunals Regulations (Northern Ireland) 1965, and shall come into operation on the 2nd June, 1965.

(2) In these regulations—

"the Act" means the Industrial Training Act (Northern Ireland) 1964;

"appellant" means a person who has appealed to a tribunal under the provisions of a levy order made under section 4 of the Act;

"the Board" means in relation to an appeal the respondent industrial training board;

"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 an appeal;

"levy" means a levy imposed under the Act;

"the Ministry" means the Ministry of Health and Social Services;

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

"the Register of Appeals" means the Register of Industrial Levy Appeals 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 Secretary of the Central Office of the Industrial Tribunals for the time being;

"tribunal" means an industrial tribunal established under these regulations, and in relation to an appeal means the tribunal to which the appeal has been referred.

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

Establishment of tribunals

2. For the determination of appeals by persons assessed to a levy there shall be established such number of tribunals as the Ministry may from time

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

to time determine, and they shall sit at such times and in such places as it may from time to time determine.

Membership of tribunals

3.—(1) 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 appellant and of the Board be heard in the absence of such member, and in that event the tribunal shall be deemed to be properly constituted.

(2) For each hearing the chairman shall be a person selected from a panel of persons, being barristers or solicitors of not less than seven years' standing, appointed by the Ministry.

(3) For each hearing the two members of a tribunal other than the chairman shall be selected as to one member from a panel of persons appointed by the Ministry after consultation with any organisation or association of organisations representative of employers, and as to the other member from a panel of persons appointed by the Ministry after consultation with any organisation or association of organisations representative of employed persons.

(4) The Ministry may at any time select from the appropriate panel another person in substitution for the chairman or other member of a tribunal previously selected by it to hear an appeal.

(5) Members of panels constituted under these regulations shall hold and vacate office under the terms of the instruments under which they are appointed, but may resign office by notice in writing to the Ministry; and any such member who ceases to hold office shall be eligible for reappointment.

Procedure of tribunals

4. The Rules of Procedure contained in the Schedule shall have effect in relation to tribunals.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 1st day of June, nineteen hundred and sixty-five.

(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 Secretary of the Tribunals in duplicate a written notice of appeal which shall be substantially in accordance with Form 1, and shall set out the grounds of the appeal.

Entering of Appeal

2.—(1) Upon receiving a notice of appeal the Secretary of the Tribunals shall enter particulars of the appeal in the Register of Appeals, and shall forthwith send the duplicate notice to the Board, and shall inform the appellant and the Board in writing of the number of the appeal entered in the Register, which shall thereafter constitute the title of the appeal.

(2) Upon receiving the duplicate notice of appeal, the Board shall forthwith send to the Secretary of the Tribunals a copy of the assessment referred to therein.

Power to require further particulars

3.—(1) If the Board requires further particulars of the grounds on which the appellant intends to rely and of any facts and contentions relevant thereto, the Board may within 14 days of receiving the duplicate notice of appeal send to the appellant a notice specifying the particulars required by the Board and within the same time shall send a duplicate copy thereof to the Secretary of the Tribunals.

(2) The appellant shall within 14 days of the receipt of the notice send the further particulars to the Board and within the same time send a duplicate copy thereof to the Secretary of the Tribunals.

Power to require particulars of the assessment

4. The tribunal may at any time request the Board to furnish any particulars of 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.

Time and place of hearing

5. The Ministry shall fix the date, time and place of the hearing of an appeal and the Secretary of the Tribunals shall not less than 14 days before the date so fixed send to the appellant and to the Board a notice substantially in accordance with Form 2.

The hearing

6.—(1) The hearing of an appeal shall take place in private, unless the tribunal determines at the request of the appellant to hear the appeal in public.

(2) If the appellant or the Board shall desire to submit representations in writing relating to an appeal for consideration by the Tribunal at the hearing of such appeal the appellant or the Board, as the case may be, 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.