STATUTORY RULES OF NORTHERN IRELAND

# 2020 No. 3

# **EMPLOYMENT**

## INDUSTRIAL TRIBUNALS

## FAIR EMPLOYMENT

# The Industrial Tribunals and Fair Employment Tribunal (Constitution and Rules of Procedure) Regulations (Northern Ireland) 2020

Made	-	-	-	-	3rd January 2020
Coming into operation					27th January 2020

### THE INDUSTRIAL TRIBUNALS AND FAIR EMPLOYMENT TRIBUNAL (CONSTITUTION AND RULES OF PROCEDURE) REGULATIONS (NORTHERN IRELAND) 2020

- 1. Citation and commencement
- 2. Revocations and consequential amendments
- 3. Interpretation
- 4. Industrial Tribunals
- 5. The Fair Employment Tribunal for Northern Ireland
- 6. Composition of tribunals
- 7. Appointment of panel members
- 8. Specialist panels: specialist knowledge
- 9. Specialist panels: national security proceedings
- 10. Composition of individual tribunals: general
- 11. Composition of individual tribunals: specialist knowledge
- 12. Composition of individual tribunals: national security proceedings
- 13. Responsibilities of the President and the Vice-President
- 14. Practice directions
- 15. Power to prescribe
- 16. Register
- 17. Application of Schedules 1 to 3
- 18. Transitional provisions
  - Signature

# SCHEDULETHE INDUSTRIAL TRIBUNALS AND FAIR EMPLOYMENT1TRIBUNAL RULES OF PROCEDURE 2020

- PART 1 INTRODUCTORY AND GENERAL
- 1. Interpretation
- 2. Overriding objective
- 3. Alternative dispute resolution and the role of the Agency
- 4. General power to regulate procedure
- 5. Time
- 6. Extending or shortening time
- 7. Irregularities and non-compliance
- 8. Presidential guidance
  - PART 2 STARTING A CLAIM
- 9. Presenting the claim
- 10. Multiple claimants
- 11. Rejection
- 12. Reconsideration of rejection
- 13. Protected disclosure claims: notification to a regulator
  - PART 3 TRIBUNAL'S ACTIONS ON RECEIVING THE CLAIM
- 14. Sending claim form to respondents
  - PART 4 THE RESPONSE TO THE CLAIM
- 15. Presenting the response
- 16. Rejection
- 17. Reconsideration of rejection
- 18. Applications for extension of time for presenting response
- 19. Effect of non-presentation or rejection of response or case not being contested
- 20. Notification of acceptance
  - PART 5 EMPLOYER'S CONTRACT CLAIMS
- 21. Making an employer's contract claim
- 22. Notification of employer's contract claim
- 23. Responding to an employer's contract claim

#### PART 6 — CASE MANAGEMENT ORDERS AND OTHER POWERS

- 24. Early case management
- 25. Case management orders
- 26. Applications for case management orders
- 27. Documents and evidence
- 28. Addition, substitution and removal of parties
- 29. Other persons
- 30. Lead cases
- 31. Consolidation of industrial tribunal and Fair Employment Tribunal proceedings
- 32. Striking out
- 33. Unless orders
- 34. Deposit orders

#### PART 7 — RULES COMMON TO ALL KINDS OF HEARING

- 35. General conduct of hearings
- 36. Written representations
- 37. Witnesses
- 38. Inspection of witness statements
- 39. Timetabling
- 40. Electronic communication

- 41. Non-attendance
- 42. Conversion from preliminary hearing to final hearing and vice versa
- 43. Majority decisions
- 44. Privacy and restrictions on disclosure
  - PART 8 WITHDRAWAL OF A CLAIM
- 45. End of claim
- 46. Dismissal following withdrawal
  - PART 9 PRELIMINARY HEARINGS
- 47. Scope of preliminary hearings
- 48. Fixing of preliminary hearings
- 49. Constitution of tribunal for preliminary hearings
- 50. When preliminary hearings shall be in public
- PART 10 FINAL HEARING
- 51. Scope of final hearing
- 52. Notice of final hearing
- 53. Constitution of tribunal for final hearings
- 54. When final hearing shall be in public

#### PART 11 — JUDGMENTS, CASE MANAGEMENT ORDERS AND REASONS

- 55. Judgments and case management orders made without a hearing
- 56. Judgments and case management orders made at or following a hearing
- 57. Reasons
- 58. Absence of employment judge
- 59. Consent orders and judgments
- 60. When a judgment or order takes effect
- 61. Entry of judgments and reasons in the register
- 62. Copies of judgment for referring court
- 63. Correction of clerical mistakes and accidental slips
- PART 12 RECONSIDERATION OF JUDGMENTS
- 64. Reconsideration of judgment
- 65. Reconsideration on tribunal's own initiative
- 66. Application for reconsideration
- 67. Consideration of the application
- 68. Reconsideration of the original decision
- 69. Unavailability of employment judge or tribunal
- 70. Outcome of reconsideration
  - PART 13 COSTS, PREPARATION TIME AND WASTED COSTS ORDERS
- 71. Definitions
- 72. Costs orders and preparation time orders
- 73. When a costs order or a preparation time order may or shall be made
- 74. Procedure
- 75. The amount of a costs order
- 76. The amount of a preparation time order
- 77. When a wasted costs order may be made
- 78. Effect of a wasted costs order
- 79. Procedure for making a wasted costs order
- 80. Allowances
- 81. Ability to pay
  - PART 14 DELIVERY OF DOCUMENTS
- 82. Delivery to the tribunal
- 83. Delivery to parties
- 84. Delivery to non-parties

- 85. Special cases
- 86. Substituted service
- 87. Date of delivery
- 88. Situations in which a document may be treated as delivered
- 89. Correspondence with the tribunal: copying to other parties PART 15 MISCELLANEOUS
- 90. Conciliation: recovery of sums payable under compromises
- 91. National security proceedings: industrial tribunals
- 92. National security proceedings: Fair Employment Tribunal
- PART 16 OTHER PROCEEDINGS
- 93. Interim relief proceedings
- 94. Proceedings involving the Northern Ireland National Insurance Fund
- 95. Collective agreements
- 96. Devolution issues
- 97. References to the Court of Justice of the European Union
- 98. Transfer of proceedings from a court
- 99. Vexatious litigants
- 100. Provision of information to the Commission
- 101. Application of this Schedule to levy appeals
- 102. Application of this Schedule to appeals against improvement and prohibition notices
- 103. Application of this Schedule to appeals against directions, nondiscrimination notices and notices of refusal
- 104. Application of this Schedule to applications for enforcement of an undertaking or directions

SCHEDULE THE INDUSTRIAL TRIBUNALS (NATIONAL SECURITY)

- 2 RULES OF PROCEDURE 2020
- 1. Application of Schedule 2
- 2. Serving of documents
- 3. Witness orders and disclosure of documents
- 4. Special advocate
- 5. Hearings
- 6. Reasons in national security proceedings
- SCHEDULE THE INDUSTRIAL TRIBUNALS (EQUAL VALUE) RULES OF
  - 3 PROCEDURE 2020
  - 1. Application of Schedule 3
  - 2. General power to manage proceedings
  - 3. Conduct of stage 1 equal value hearing
  - 4. Standard orders for stage 1 equal value hearing
  - 5. Involvement of independent expert in fact finding
  - 6. Conduct of stage 2 equal value hearing
  - 7. Standard orders for stage 2 equal value hearing
  - 8. Final hearing
  - 9. Duties and powers of the independent expert
  - 10. Use of expert evidence
  - 11. Written questions to experts
  - 12. Procedural matters
  - 13. National security proceedings

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

#### ANNEX

#### *The indicative timetable*

SCHEDULE

4

#### REVOCATION AND CONSEQUENTIAL AMENDMENTS

PART 1 — Revocation

PART 2 — Consequential amendments

- 1. In Article 2(1) of the Fair Employment Tribunal (Remedies) Order...
- 2. In regulation 1(2) of the Industrial Tribunals (Interest on Awards...
- 3. In Article 1(2) of the Race Relations (Interest on Awards)...
- 4. In regulation 1(2) of the Industrial Tribunals (Interest on Awards...
- 5. In regulation 3(1) of the Gangmasters (Appeals) Regulations (Northern Ireland)...
- 6. In regulation 1(2) of the Industrial Tribunals (Interest on Awards...
- 7. In Schedule 8 to the REACH Enforcement Regulations 2008—
- 8. In regulation 11(2)(b) of the Health and Safety (Fees) Regulations...
- 9. In regulation 27(4) of the Biocidal Products and Chemicals (Appointment...
- 10. For sub-paragraph (ba) of paragraph 2 of Schedule 5 to...
- 11. In the Schedule to the Public Service Pensions Act (Northern...
- 12. In the Control of Major Accident Hazards Regulations (Northern Ireland)...
- 13. In Part 2 of the Schedule to the Employment Rights...
- 14. In Article 6(5) of the Industrial Training Levy (Construction Industry)...

Explanatory Note