

SCHEDULE 2

Regulations 2(2), 6(3) and 9(1)

Industrial Tribunals Complementary Rules of Procedure 1996
For use only in proceedings involving an equal value claim

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

4.—(1) A tribunal may, on the application of a party made either by notice to the Secretary or at the hearing of the originating application, or of its own motion, make an order, as may be granted by a county court to—

- (a) require a party to furnish in writing to the person specified by the tribunal further particulars of the grounds on which that party relies and of any facts and contentions relevant thereto;
- (b) require one party to grant to another discovery or inspection (including the taking of copies) of documents,

and may appoint the time at or within which and the place at which any act required in pursuance of this rule is to be done.

Provided that the tribunal shall not under this rule 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.

(2) A tribunal may, on the application of a party made either by notice to the Secretary or at the hearing of the originating application, or of its own motion, make an order—

- (a) to require the attendance of any person, including a party, as a witness, wherever such person may be within Northern Ireland; and
- (b) if it does so require the attendance of a person, to require him to produce any document in his possession or power relating to the matter to be determined,

and may appoint the time and place at which the person is to attend and, where appropriate, the time at or within which and the place at which any such document is to be produced.

(2A) Subject to paragraph (2B), a tribunal may, on the application of an expert who has been required by the tribunal to prepare a report, make an order to—

- (a) require any person who the tribunal is satisfied may have information which may be relevant to the question or matter on which the expert is required to report, to furnish, in writing, such information as the tribunal may require;
- (b) require any person to produce any documents which are in the possession, custody or power of that person and which the tribunal is satisfied may contain matter relevant to the question on which the expert is required to report,

and any information so required to be furnished or document so required to be produced shall be furnished or produced, at or within such time as the tribunal may appoint, to the Secretary who shall send the information or document to the expert.

(2B) A tribunal shall not make an order imposing a requirement under paragraph (2A)—

- (a) on the Agency which has acted in connection with the complaint under Article 64 of the Order of 1976(1); or
- (b) if it is satisfied that the person so required would have good grounds for refusing to comply with the requirement if it were a requirement made in connection with a hearing before the tribunal.

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(3) A tribunal may, on the application of a party made by notice to the Secretary or of its own motion, impose a requirement on a party to furnish to the tribunal a written answer to any question if it considers—

- (a) that the answer of the party to that question may help to clarify any issue likely to arise for determination in the proceedings; and
- (b) that it would be likely to assist the progress of the proceedings for that answer to be available to the tribunal before the hearing,

and may appoint the time within which the written answer is to be furnished. Where a requirement is imposed under this paragraph the Secretary shall send to each other party a copy of such requirement and a copy of the written answer furnished to the tribunal.

(4) The tribunal shall take account of a written answer furnished pursuant to paragraph (3) in the same way as it takes account of representations in writing presented by a party pursuant to rule 8(4) in Schedule 1.

(5) Where a requirement has been imposed under paragraph (1), (2), (2A) or (3)—

- (a) on a party in his absence; or
- (b) on a person other than a party,

that party or person may make an application to the tribunal to vary or set aside the requirement by notice to the Secretary given before the time at which or, as the case may be, the expiration of the time within which the requirement is to be complied with; and the Secretary shall give notice of the application to each party, or, where applicable, to each other party.

(6) Every document containing a requirement imposed under paragraph (1)(b), (2) or (2A) shall contain a reference to the fact that, under Article 59(11) of the No. 1 Order, any person who without reasonable excuse fails to comply with any such requirement shall be liable on summary conviction to a fine and the document shall state the amount of the current maximum fine.

(7) If a requirement imposed under paragraph (1) or (3) is not complied with, a tribunal, before or at the hearing, may strike out the whole or part of the originating application, or, as the case may be, of the notice of appearance, and, where appropriate, direct that a respondent shall be debarred from defending altogether: but a tribunal shall not so strike out or direct unless it has sent notice to the party who has not complied with the requirement giving him an opportunity to show cause why the tribunal should not do so.

Procedure relating to expert's report

8A.—(1) In any case involving an equal value claim where a question arises as to whether any work is of equal value to other work in terms of the demands made on the person employed on the work (for instance under such headings as effort, skill and decision) (in this rule hereinafter referred to as “the question”), a tribunal shall, before considering the question, except in cases to which section 2A(1)(a) of the Act of 1970 applies, require an expert to prepare a report with respect to the question and the requirement shall be made in accordance with paragraphs (2) and (3).

(2) The requirement shall be made in writing and shall set out—

- (a) the name and address of each of the parties;
- (b) the address of the establishment at which the applicant is or, as the case may be, was employed;
- (c) the question; and
- (d) the identity of the person with reference to whose work the question arises,

and a copy of the requirement shall be sent to each of the parties.

(3) The requirement shall stipulate that the expert shall—

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- (a) take account of all such information supplied and all such representations made to him as have a bearing on the question;
- (b) before drawing up his report, produce and send to the parties a written summary of the said information supplied and representations made under sub-paragraph (a) and invite the representations of the parties upon the material contained therein;
- (c) make his report to the tribunal in a document which shall reproduce the summary and contain a brief account of any representations received from the parties upon it, any conclusion he may have reached upon the question and the reasons for that conclusion or, as the case may be, for his failure to reach such a conclusion;
- (d) take no account of the difference of sex and at all times act fairly.

(4) Without prejudice to the generality of rule 13(7) where a tribunal requires an expert to prepare a report, it shall adjourn the hearing.

(5) The expert shall, either within 14 days of receiving the requirement or, where paragraph (6) applies, as soon as practicable thereafter, give notice in writing to the Secretary of the date by which he expects to send his report to the tribunal, and the Secretary shall send a copy of the notice to each party.

(6) If the expert considers that he is unable to determine the date referred to in paragraph (5) within the period of 14 days mentioned in that paragraph, he shall promptly give notice in writing to the Secretary of the reasons for his inability to determine that date and of the date by which he expects to be able to send the notice mentioned in that paragraph. The Secretary shall send a copy of any notice sent under this paragraph to each party.

(7) In paragraphs (8), (9) and (10), “the projected date” means the date most recently specified by the expert, in a notice given under paragraph (5) or (8) or in a progress report sent to the tribunal under paragraph (9), as the date by which he expects to send his report to the tribunal.

(8) If at any time the expert considers that there will be a material delay in sending his report to the tribunal beyond the projected date, he shall give notice in writing to the Secretary of—

- (a) that fact;
- (b) the date by which he now expects to send his report to the tribunal; and
- (c) the reasons for the delay including, in particular, whether he considers that any actions or failures to act by a party have, in whole or in part, caused the delay; and

the Secretary shall send a copy of any such notice to each party.

(9) At any time before the tribunal receives the report of the expert the tribunal may, acting on the request of a party or otherwise, require the expert to send a progress report to the tribunal. If so required, the expert shall, as soon as practicable—

- (a) if he receives the requirement before the projected date and has not sent his report, prepare and send to the tribunal a progress report—
 - (i) stating whether he considers that there will be any material delay in sending his report to the tribunal beyond the projected date; and
 - (ii) if he considers that there will be such a delay, giving the reasons for the delay and stating the date by which he now expects to send his report to the tribunal;
- (b) if he receives the requirement on or after the projected date and has not sent his report, prepare and send to the tribunal a progress report giving the reasons for the delay in sending his report and stating the date by which he now expects to send his report to the tribunal;
- (c) if he has sent his report to the tribunal, notify the Secretary of that fact; and

the Secretary shall send a copy of any progress report sent to the tribunal under this rule to each party.

(10) If a tribunal considers that—

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- (a) the projected date specified in a notice given under paragraph (5) indicates that the expert will take longer than is appropriate to prepare his report; or
- (b) the projected date specified in a notice given under paragraph (8) or in a progress report sent to the tribunal under paragraph (9) indicates that there will be an unjustifiable delay beyond the previous projected date,

the tribunal may, after seeking representations from the parties and if it considers that it would be in the interests of justice to replace the expert, revoke, by notice in writing to the expert, the requirement to prepare a report; and in that event paragraph (1) shall again apply.

(11) Where a tribunal has received the report of an expert, it shall send a copy of the report to each party and fix a date for the hearing of the case to be resumed; and the date so fixed shall be the earliest reasonably practicable date after the expiration of 14 days from the date on which the report is sent to the parties.

(12) Upon the resumption of the hearing of the case in accordance with paragraph (11) the report shall be admitted as evidence in the case unless the tribunal has exercised its power under paragraph (13) not to admit the report.

(13) Where the tribunal, on the application of one or more of the parties or otherwise, forms the view—

- (a) that the expert has not complied with a stipulation in paragraph (3); or
- (b) that the conclusion contained in the report is one which, taking due account of the information supplied and representations made to the expert, could not reasonably have been reached; or
- (c) that for some other material reason (other than disagreement with the conclusion that the applicant's work is or is not of equal value or with the reasoning leading to that conclusion) the report is unsatisfactory,

the tribunal, may if it thinks fit, determine not to admit the report, and in such a case paragraph (1) shall again apply.

(14) In forming its view on the matters contained in paragraph (13)(a), (b) and (c) the tribunal shall take account of any representations of the parties thereon and may in that connection, subject to rule 9(2A) and (2B), permit any party to give evidence upon, to call witnesses and to question any witness upon any matter relevant thereto.

(15) The tribunal may, at any time after it has received the report of an expert, require that expert (or, if that is impracticable, another expert) to explain any matter contained in that report or, having regard to such matters as may be set out in the requirement, to give further consideration to the question.

(16) A requirement under paragraph (15) shall be made in accordance with paragraph (2) and shall stipulate that the expert shall make his reply in writing to the tribunal, giving his explanation or, as the case may be, setting down any conclusion which may result from his further consideration and his reasons for that conclusion.

(17) Where the tribunal has received a reply from the expert under paragraph (16), it shall send a copy of the reply to each of the parties and shall allow the parties to make representations thereon, and the reply shall be treated as information furnished to the tribunal and be given such weight as the tribunal thinks fit.

(18) Where a tribunal has determined under paragraph (13) not to admit a report, that report shall be treated for all purposes (other than the award of costs or allowances under rule 12) connected with the proceedings as if it had not been received by the tribunal and no further account shall be taken of it, and the requirement on the expert to prepare a report shall lapse.

Procedure at hearing

9.—(1) The tribunal shall, so far as it appears to it appropriate, seek to avoid formality in its proceedings and shall not be bound by any statutory provision or rule of law relating to the admissibility of evidence in proceedings before the courts of law. The tribunal shall make such enquiries of persons appearing before it and witnesses as it considers appropriate and, subject to paragraphs (2A), (2B), (2C), (2D) and (2E), shall otherwise conduct the hearing in such manner as it considers most appropriate for the clarification of the issues before it and generally to the just handling of the proceedings.

(2) Subject to paragraphs (1), (2A), (2B), (2C) and (2D), at the hearing of the originating application a party shall be entitled to give evidence, to call witnesses, to question any witnesses and to address the tribunal.

(2A) The tribunal may, and shall upon the application of a party, require the attendance of an expert who has prepared a report in connection with an equal value claim in any hearing relating to that claim. Where an expert attends in compliance with such requirement any party may, subject to paragraph (1), cross-examine the expert on his report and on any other matter pertaining to the question on which the expert was required to report.

(2B) At any time after the tribunal has received the report of the expert, any party may, on giving reasonable notice of his intention to do so to the tribunal and to any other party, call one witness to give expert evidence on the question on which the tribunal has required the expert to prepare a report; and where such evidence is given, any other party may cross-examine the person giving that evidence upon it.

(2C) Except as provided in rule 8A(14) or by paragraph (2D), a party may not give evidence upon, or question any witness upon, any matter of fact upon which a conclusion in the report of the expert is based.

(2D) Subject to paragraphs (2A) and (2B), a tribunal may, notwithstanding paragraph (2C), permit a party to give evidence upon, to call witnesses and to question any witness upon any such matters of fact as are referred to in paragraph (2C) if either—

- (a) the matter of fact is relevant to and is raised in connection with the issue contained in section 1(3) of the Act of 1970 (defence of genuine material factor) upon which the determination of the tribunal is being sought; or
- (b) the report of the expert contains no conclusion on the question of whether the applicant's work and the work of the person identified in the requirement of the tribunal under rule 8A(2) are of equal value and the tribunal is satisfied that the absence of that conclusion is wholly or mainly due to the refusal or deliberate omission of a person required by the tribunal under rule 4(2A) to furnish information or to produce documents to comply with that requirement.

(2E) A tribunal may, on the application of a party, if in the circumstances of the case, having regard to the considerations expressed in paragraph (1), it considers that it is appropriate so to proceed, hear evidence upon and permit the parties to address it upon the issue contained in section 1(3) of the Act of 1970 before determining whether to require an expert to prepare a report under rule 8A.

(3) If a party fails to attend or to be represented at the time and place fixed for the hearing, the tribunal may, if that party is an applicant, dismiss or, in any case, dispose of the application in the absence of that party or may adjourn the hearing to a later date: provided that before dismissing or disposing of any application in the absence of a party the tribunal shall consider his originating application or notice of appearance, any representations in writing presented by him in pursuance of rule 8(4) in Schedule 1 and any written answer furnished to the tribunal pursuant to rule 4(3).

(4) A tribunal may require any witness to give evidence on oath or affirmation and for that purpose there may be administered an oath or affirmation in due form.

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Decision of tribunal

10.—(1) Where a tribunal is composed of three members its decision may be taken by a majority; and if a tribunal is composed of two members only, the chairman shall have a second or casting vote.

(2) The decision of a tribunal, which may be given orally at the end of a hearing or reserved, shall be recorded in a document signed by the chairman.

(3) The tribunal shall give reasons for its decision in extended form in a document signed by the chairman; and where the tribunal—

- (a) makes an award of compensation; or
- (b) comes to any other determination by virtue of which one party is required to pay a sum to another (excluding an award of costs or allowances),

the document shall also contain a statement of the amount of compensation awarded, or of the sum required to be paid, followed either by a table showing how the amount or sum has been calculated or by a description of the manner in which it has been calculated.

(4) There shall be appended to the document referred to in paragraph (3) a copy of the report, if any, of an expert received by the tribunal in the course of the proceedings.

(5) The clerk shall send the documents referred to in paragraphs (2) and (3) and the copy of the report referred to in paragraph (4), if any, to the Secretary who shall enter them in the Register and shall send a copy of the entry to each of the parties and where the proceedings were referred to the tribunal by a court, to that court.

(6) The document referred to in paragraph (3) and the copy of the report referred to in paragraph (4), if any, shall be omitted from the Register in any case in which—

- (a) the Secretary of State has directed the tribunal, in accordance with Article 59(4A) of the No. 1 Order⁽²⁾ to sit in private on grounds of national security; or
- (b) evidence had been heard in private and the tribunal so directs.

In such a case the Secretary shall send that document to each of the parties; and where there are proceedings before a superior court relating to the decision in question, he shall send the document to that court, together with a copy of the entry in the Register of the document referred to in paragraph (2).

(7) In any case appearing to involve allegations of a sexual offence, the document referred to in paragraph (3) shall be entered on the Register with such omissions or deletions as have been made in accordance with rule 13(6).

(8) Clerical mistakes in the documents referred to in paragraphs (2) and (3), or errors arising in those documents from an accidental slip or omission, may at any time be corrected by the chairman by certificate under his hand.

(9) If a document is corrected by certificate under paragraph (8), or if a decision is—

- (a) revoked or varied by certificate under rule 11 in Schedule 1; or
- (b) altered in any way by order of a superior court,

the Secretary shall alter any entry in the Register which is affected to conform with the certificate or order and send a copy of any entry so altered to each of the parties and, where the proceedings were referred to the tribunal by a court, to that court.

(10) Where a document omitted from the Register pursuant to paragraph (6) is corrected by certificate under paragraph (8), the Secretary shall send a copy of the corrected document to each of the parties; and where there are proceedings before any superior court relating to the decision in

(2) As inserted by S.I. 1993/2668 (N.I. 11) Schedule 5, paragraph 1

question, he shall send a copy to that court together with a copy of the entry in the Register of the document referred to in paragraph (2), if it has been altered under paragraph (9).

(11) Where this rule requires a document to be signed by the chairman of a tribunal composed of three or two persons, but by reason of death or incapacity the chairman is unable to sign it, the document shall be signed by the other members or member of the tribunal, who shall certify that the chairman is unable to sign.

Costs

12.—(1) Where, in the opinion of the tribunal, a party has in bringing or conducting the proceedings acted scandalously, frivolously, vexatiously, abusively, disruptively or otherwise unreasonably, the tribunal may make—

- (a) an order containing an award against that party in respect of the costs incurred by another party;
- (b) an order that that party shall pay to the Department the whole, or any part, of any allowances (other than allowances paid to members of tribunals) paid by the Department under Article 30(3) of the Order of 1984 to any person for the purposes of, or in connection with, his attendance at the tribunal.

(2) Paragraph (1) applies to a respondent who has not entered an appearance in relation to the conduct of any part in the proceedings which he has taken.

(2A) For the purposes of paragraph (1)(a), the costs in respect of which a tribunal may make an order include costs incurred by the party in whose favour the order is to be made in or in connection with the investigations carried out by the expert in preparing his report.

(3) An order containing an award against a party (“the first party”) in respect of the costs incurred by another party (“the second party”) shall be—

- (a) where the tribunal thinks fit, an order that the first party pay to the second party a specified sum not exceeding £500;
- (b) where those parties agree on a sum to be paid by the first party to the second party in respect of those costs, an order that the first party pay to the second party a specified sum, being the sum so agreed; or
- (c) in any other case, an order that the first party pay to the second party the whole or a specified part of the costs incurred by the second party as taxed (if not otherwise agreed).

(4) Where the tribunal has on the application of a party postponed the day or time fixed for or adjourned the hearing, the tribunal may make orders, of the kinds mentioned in paragraphs (1)(a) and (1)(b), against or, as the case may require, in favour of that party as respects any costs incurred or any allowances paid as a result of the postponement or adjournment.

(5) A tribunal shall make orders against a respondent of the kinds mentioned in paragraphs (1)(a) and (1)(b) as respects any costs or any allowances paid as a result of the postponement or adjournment of a hearing where, on a complaint of unfair dismissal—

- (a) the applicant has expressed a wish to be reinstated or re-engaged which has been communicated to the respondent at least 7 days before the hearing of the complaint; or
- (b) the proceedings arise out of the respondent’s failure to permit the applicant to return to work after an absence due to pregnancy or childbirth,

and the postponement or adjournment has been caused by the respondent’s failure, without a special reason, to adduce reasonable evidence as to the availability of the job from which the applicant was dismissed, or, as the case may be, which she held before her absence, or of comparable or suitable employment.

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(6) Any costs required by an order under this rule to be taxed may be taxed in the county court according to such of the scales prescribed by the county court rules for proceedings in the county court as shall be directed by the order.

(7) Where—

- (a) a party has been ordered under rule 7(4) in Schedule 1 to pay a deposit as a condition of being permitted to continue to take part in proceedings relating to a matter;
- (b) in respect of that matter, the tribunal has found against that party in its decision; and
- (c) there has been no award of costs made against that party arising out of the proceedings on the matter,

the tribunal shall consider whether to award costs against that party on the ground that he conducted the proceedings relating to the matter unreasonably in persisting in having the matter determined by a tribunal; but the tribunal shall not make an award of costs on that ground unless it has considered the document recording the order under rule 7 in Schedule 1 and is of the opinion that the reasons which caused the tribunal to find against the party in its decision were substantially the same as the reasons recorded in that document for considering that the contentions put forward by that party had no reasonable prospect of success.

(8) Where an award of costs is made against a party who has had an order under rule 7 in Schedule 1 made against him (whether the award arises out of the proceedings relating to the matter in respect of which the order was made or out of proceedings relating to any other matter considered with that matter), his deposit shall be paid in part or full settlement of the award—

- (a) where an award is made in favour of one party, to that party; and
- (b) where awards are made in favour of more than one party, to all of them or any one or more of them as the tribunal thinks fit, and if to all or more than one, in such proportions as the tribunal considers appropriate,

and if the amount of the deposit exceeds the amount of the award of costs, the balance shall be refunded to the party who paid that deposit.

Miscellaneous powers

13.—(1) Subject to the provisions of these Rules, a tribunal may regulate its own procedure.

(2) A tribunal may—

- (a) if the applicant at any time gives notice of the withdrawal of his originating application, dismiss the proceedings;
- (b) if both or all the parties agree in writing upon the terms of a decision to be made by the tribunal, decide accordingly;
- (c) consider representations in writing which have been submitted by a party to the Secretary (pursuant to rule 8(4) in Schedule 1) less than 7 days before the hearing;
- (d) subject to paragraph (3), at any stage of the proceedings, order to be struck out or amended any originating application or notice of appearance, or anything in such application or notice of appearance, on the grounds that it is scandalous, frivolous or vexatious;
- (e) subject to paragraph (3), at any stage of the proceedings, order to be struck out any originating application or notice of appearance on the grounds that the manner in which the proceedings have been conducted by or on behalf of the applicant or, as the case may be, respondent has been scandalous, frivolous or vexatious;
- (f) subject to paragraph (3), on the application of the respondent, or of its own motion, order an originating application to be struck out for want of prosecution;

(g) make any necessary amendments to the description of a party in the Register and in other documents relating to the originating application.

(3) Before making an order under sub-paragraph (d), (e) or (f) of paragraph (2) the tribunal shall send notice to the party against whom it is proposed that the order should be made giving him an opportunity to show cause why the order should not be made; but this paragraph shall not be taken to require the tribunal to send such notice to that party if the party has been given an opportunity to show cause orally why the order should not be made.

(4) Where a notice required by paragraph (3) is sent in relation to an order to strike out an originating application for want of prosecution, service of the notice shall be treated as having been effected if it has been sent by ordinary post or delivered in accordance with rule 19(3) and the tribunal may strike out the originating application (notwithstanding that there has been no direction for substituted service in accordance with rule 19(7)) if the party does not avail himself of the opportunity given by the notice.

(5) A tribunal may, before determining an application under rule 4 or rule 17 in Schedule 1, require the party making the application or, in the case of an application under rule 4(2A), the expert, to give notice of it to every other party (or, in the case of an application by the expert, to the parties and any other person on whom the tribunal is asked, in the application, to impose a requirement). 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.

(6) In any case appearing to involve allegations of the commission of a sexual offence, the tribunal or the Secretary shall omit from the Register, or delete from the Register or any decision, document or record of the proceedings which is available to the public, any identifying matter.

(6A) Without prejudice to paragraph (7), the tribunal shall, before proceeding to hear the parties on an equal value claim, invite them to apply for an adjournment for the purpose of seeking to reach a settlement of the claim and shall, if both or all the parties agree to such a course, grant an adjournment for that purpose.

(6B) If, after the tribunal has adjourned the hearing under rule 8A(4) but before the tribunal has received the report of the expert, the applicant gives notice of withdrawal under paragraph (2)(a), the tribunal shall give notice to the expert that the requirement to prepare a report has ceased.

(6C) A notice given to the expert under paragraph (6B) shall be without prejudice to the operation of rule 12(2A).

(7) A chairman may postpone the day or time fixed for, or adjourn, any hearing (particularly where a statutory provision provides for conciliation in relation to the case, for the purpose of giving an opportunity for the case to be settled by way of conciliation and withdrawn) and vary any such postponement or adjournment.

(8) Any act required or authorised by these Rules to be done by a tribunal may be done by the President, Vice-President or a chairman except—

- (a) the hearing of an originating application under rule 8 in Schedule 1;
- (b) an act required or authorised to be so done by rule 9 or 10 which the rule implies is to be done by the tribunal which is hearing or heard the originating application;
- (c) the review of a decision under rule 11(1) in Schedule 1, and the confirmation, variation or revocation of a decision, and ordering of a re-hearing, under rule 11(7) in that Schedule.

(9) Any act required or authorised by rule 3(4) and (5) in Schedule 1, rule 13(7) or rule 15(1) in Schedule 1 to be done by a chairman may be done by a tribunal or on the direction of the President, Vice-President or a chairman.

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Notices, etc.

19.—(1) Any notice given under these Rules shall be in writing.

(2) All notices and documents required by these Rules to be sent to the Secretary may be sent to the Office of the Tribunals or such other office as may be notified by the Secretary to the parties.

(3) All notices and documents required or authorised by these Rules to be sent or to be given to any person hereinafter mentioned may be sent by ordinary post (subject to paragraphs (6) and (7)) or through a document exchange in accordance with paragraph (5) or delivered to or at—

(a) in the case of a notice or document directed to the Department in proceedings to which it is not a party (or in respect of which it is treated as a party for the purposes of these Rules by virtue of rule 8(5) in Schedule 1), the offices of the Department of Economic Development, Netherleigh, Massey Avenue, Belfast, BT4 2JP, or such other office as may be notified by the Department;

(b) in the case of a notice or document directed to a court, the office of the clerk of the court;

(c) in the case of a notice or document directed to a party—

(i) the address specified in his originating application or notice of appearance or in a notice under paragraph (4) to which notices and documents are to be sent; or

(ii) if no such address has been specified, or if a notice sent to such an address has been returned, to any other known address or place of business in the United Kingdom or, if the party is a corporate body, the body's registered or principal office in the United Kingdom, or, in any case, such address or place outside the United Kingdom as the President or Vice-President may allow;

(d) in the case of a notice or document directed to any person other than a person specified in sub-paragraphs (a) to (c), his address or place of business in the United Kingdom or, if the person is a corporate body, the body's registered or principal office in the United Kingdom,

and a notice or document sent or given to the representative of a party authorised in that behalf shall be deemed to have been sent or given to that party.

(4) A party may at any time by notice to the Secretary and to the other party or parties (and, where appropriate, to the Agency) change the address to which notices and documents are to be sent.

(5) Where—

(a) the proper address for service of any notice or document required or authorised by these Rules to be sent or given to any person includes a numbered box at a document exchange; or

(b) there is inscribed on the writing paper of the party on whom the notice or document is to be served (where such a party acts in person) or on the writing paper of his solicitor (where such a party acts by a solicitor) a document exchange box number, and such a party or his solicitor (as the case may be) has not indicated in writing to the party serving the notice or document that he is unwilling to accept service through a document exchange, service of the notice or document may be effected by leaving it addressed to that numbered box at that document exchange or at a document exchange which transmits documents every business day to that exchange; and any notice or document which is left at a document exchange in accordance with this paragraph shall unless the contrary is proved, be deemed to have been served on the second business day following the day on which it is left.

(6) The recorded delivery service shall be used instead of the ordinary post—

(a) when a second set of notices or documents is sent to a respondent who has not entered an appearance under rule 3(1) in Schedule 1; and

(b) for service of an order made under rule 4(2) or (2A).

(7) In any case he considers appropriate the President or Vice-President may direct that there shall be substituted service in such manner as he may deem fit.

(8) In proceedings brought under the provisions of any statutory provision providing for conciliation the Secretary shall send copies of all documents and notices to the Agency.

(9) In proceedings which may involve a payment out of the Northern Ireland National Insurance Fund, the Secretary shall, where appropriate, send copies of all documents and notices to the Department whether or not it is a party.

(10) In proceedings under the Act of 1970, or the Order of 1976, the Secretary shall send to the Commission, copies of every document and the entry in the Register sent to the parties under rule 10(5), (9) and (10).

(11) In this rule “document exchange” means any document exchange for the time being approved by the Lord Chancellor.