
STATUTORY RULES OF NORTHERN IRELAND

2004 No. 259

Tribunal Regulations (Northern Ireland) 2004

PART IV

**PROCEDURE FOR DEALING WITH
APPLICATION FOR INTERIM SUSPENSION**

Applications for interim suspension

20.—(1) An application for interim suspension under paragraph 9 of Schedule 11 to the Order (applications for interim suspension) shall –

- (a) be signed by a person authorised by the Board;
- (b) include a statement of the alleged facts and the grounds on which the Board intends to rely; and
- (c) include 2 copies of any document which the Board proposes to put in evidence,

and shall be sent to the Tribunal.

(2) The statement mentioned in paragraph (1)(b) may make reference to any other document already sent to the Tribunal.

(3) Subject to paragraph (7), the Tribunal shall send to the respondent –

- (a) notice informing the respondent of the application, of the intention to hold an inquiry on a date to be fixed and that the respondent may, within 2 weeks from and including the date of receipt of the notice, submit a written statement-in-answer;
- (b) a copy of the application made by the complainant and of each document, if any, which accompanied it; and
- (c) where paragraph (2) applies, any document which is referred to in the statement.

(4) The Tribunal may, if it thinks fit, accept a statement-in-answer by the respondent after the period within which it is required to be submitted under paragraph (3)(a).

(5) Where a respondent submits a statement-in-answer the respondent shall send to the Tribunal 2 copies of the statement-in-answer and of each document which the respondent proposes to put in evidence, and the Tribunal shall send to the complainant a copy of each of any such statement or document.

(6) Subject to paragraph (7), after the expiry of the period within which a respondent may submit a statement-in-answer the Tribunal shall fix a date and time at which the inquiry shall commence and the place where it will be held, and not less than 2 weeks before the date fixed shall inform the complainant and respondent of the date, time and place of the inquiry.

(7) At any time before the inquiry commences, notwithstanding the provisions of paragraphs (3) or (6), the Tribunal may, on the application of the complainant, including a statement of grounds for the application, if it is satisfied that there are exceptional reasons to do so –

- (a) fix a date and time at which an inquiry shall commence, and place where it will be heard, as soon as may be practicable; and
 - (b) give such opportunity to the respondent to submit a statement-in-answer and give such notice to the complainant and the respondent of the date, time and place of the inquiry as it considers just and proper to give the respondent an opportunity to appear before the Tribunal either –
 - (i) in person;
 - (ii) by counsel or solicitor; or
 - (iii) by such other representative referred to in regulation 16(1)(b)(iii) to (v), and to be heard and to call witnesses and produce other evidence.
- (8) The Tribunal may, at any time before the conclusion of any inquiry, allow the complainant to amend the terms of the application upon such conditions as it may think fit.
- (9) The provisions of regulations 11 (power to postpone inquiry), 14 (failure to appear at inquiry), 16 (representations and evidence at inquiry), 17 (procedure at and provisions as to inquiry) and 18 (power to dispense with oral inquiry) shall have effect with respect to an inquiry held in relation to an application for interim suspension as they apply in relation to representations, as if –
- (a) in regulation 14 “regulation 10 (notice of inquiry)” read “regulation 20(6) or (7); and
 - (b) in regulation 18 –
 - (i) in paragraph (1) –
 - (aa) “Subject to paragraph (2),” were omitted;
 - (bb) “representations are” read “an application for interim suspension is”; and
 - (cc) “representations” in the second place where it occurs read “application for interim suspension”; and
 - (ii) paragraph (2) were omitted.