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STATUTORY RULES OF NORTHERN IRELAND

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**2005 No. 150**

**The Industrial Tribunals (Constitution and Rules of Procedure) Regulations (Northern Ireland) 2005**

**Transitional provisions**

**15.**—(1) These Regulations and Schedules 1 to 6 shall apply in relation to all proceedings where those proceedings were commenced on or after 3rd April 2005.

(2) These Regulations and Schedules 1 and 2 (with the exception of rules 1 to 3 and 38 to 48 of Schedule 1) shall apply to proceedings –

- (a) which were commenced prior to 3rd April 2005; and
- (b) to which Schedule 1 to the old Regulations applied;

provided that a copy of the originating application was not sent to the respondent prior to 3rd April 2005.

(3) In relation to the proceedings described in paragraph (2), the following provisions of Schedule 1 to the old Regulations shall continue to apply –

- (a) rule 1 (originating application);
- (b) rule 2 (action upon receipt of originating application) with the exception of paragraphs (2), (4) and (5) of that rule; and
- (c) rule 14 (costs).

(4) In relation to proceedings described in paragraph (2) but where a copy of the originating application was sent to the respondent prior to 3rd April 2005, Schedules 1 and 2 to these Regulations shall apply with the exception of rules 1 to 9, 21 to 24, 33 and 38 to 48 of Schedule 1 and rules 2 to 5 of Schedule 2.

(5) In relation to proceedings described in paragraph (4), the following provisions of the old Regulations shall continue to apply –

- (a) in Schedule 1 –
  - (i) rule 1 (originating application);
  - (ii) rule 2 (action upon receipt of originating application) with the exception of paragraphs (2), (4) and (5) of that rule;
  - (iii) rule 3 (appearance by respondent);
  - (iv) rule 8 (national security);
  - (v) rule 14 (costs); and
- (b) rule 1 of Schedule 2.

(6) In relation to proceedings –

- (a) which were commenced prior to 3rd April 2005;
- (b) to which Schedule 3 to the old Regulations applied; and
- (c) in which the tribunal has not, prior to 3rd April 2005, required a member of the panel of independent experts to prepare a report under section 2A(1)(b) of the Equal Pay Act;

these Regulations and rules 1 to 12 of Schedule 3, with the exception of rule 3(3)(a), shall apply.

(7) In relation to proceedings –

- (a) which were commenced prior to 3rd April 2005;
- (b) to which Schedule 3 to the old Regulations applied; and
- (c) in which the tribunal has, prior to 3rd April 2005, required a member of the panel of independent experts to prepare a report under section 2A(1)(b) of the Equal Pay Act;

Schedule 3 to the old Regulations shall continue to apply.

(8) In relation to proceedings described in paragraph (7), the following rules of Schedule 3 shall also apply and shall take precedence over any conflicting provision in Schedule 3 to the old Regulations, namely rules 2, 10(2), 10(4), 11, 12(1) and 12(3).

(9) Rule 13 of Schedule 3 shall apply to all proceedings to which, in accordance with this regulation, rule 10 of Schedule 2 applies.

(10) In relation to proceedings commenced prior to 3rd April 2005 and to which Schedule 4, 5 or 6 to the old Regulations applied, the provisions of those schedules shall continue to apply to such proceedings.