

## SCHEDULE 1

### INDUSTRIAL TRIBUNAL RULES OF PROCEDURE

#### *Orders, decisions and reasons*

#### **Orders and decisions**

28.—(1) If the parties agree in writing upon the terms of any order or decision a chairman or tribunal may, if he or it thinks fit, make such order or decision.

(2) At the end of a hearing the chairman (or, as the case may be, the tribunal) shall either issue any order or decision orally or shall reserve the decision or order to be given in writing at a later date.

(3) Where a tribunal is composed of three persons any order or decision may be made or issued by a majority; and if a tribunal is composed of two persons only, the chairman has a second or casting vote.

#### **Form and content of decisions**

29.—(1) When a decision is reserved a written decision shall be sent to the parties at a later date. All decisions (whether issued orally or in writing) shall be recorded in writing and signed by the chairman.

(2) The Secretary shall provide a copy of the decision to each of the parties and, where the proceedings were referred to the tribunal by a court, to that court. The Secretary shall include guidance to the parties on how the decision may be reviewed or appealed.

(3) Where the decision includes an award of compensation or a determination that one party is required to pay a sum to another (excluding an order for costs, allowances, preparation time or wasted costs), the document shall also contain a statement of the amount of compensation awarded, or of the sum required to be paid.

#### **Reasons**

30.—(1) A tribunal or chairman must give reasons (either oral or written) for any –

(a) decision; or

(b) order, if a request for reasons is made before or at the hearing at which the order is made.

(2) Reasons may be given orally at the time of issuing the decision or order or they may be reserved to be given in writing at a later date. If reasons are reserved, they shall be signed by the chairman and sent to the parties by the Secretary.

(3) Where oral reasons have been provided, written reasons shall only be provided –

(a) in relation to decisions if requested by one of the parties within the time limit set out in paragraph (5); or

(b) in relation to any decision or order if requested by the Court of Appeal at any time.

(4) When written reasons are provided, the Secretary shall send a copy of the reasons to all parties to the proceedings and record the date on which the reasons were sent. Written reasons shall be signed by the chairman.

(5) A request for written reasons for a decision must be made by a party either orally at the hearing (if the decision is issued at the hearing), or in writing within 14 days of the date on which the decision was sent to the parties. This time limit may be extended by a chairman where he considers it just and equitable to do so.

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- (6) Written reasons for a decision shall include the following information –
- (a) the issues which the tribunal or chairman has identified as being relevant to the claim;
  - (b) if some identified issues were not determined, what those issues were and why they were not determined;
  - (c) findings of fact relevant to the issues which have been determined;
  - (d) a concise statement of the applicable law;
  - (e) how the relevant findings of fact and applicable law have been applied in order to determine the issues; and
  - (f) where the decision includes an award of compensation or a determination that one party make a payment to the other, a table showing how the amount or sum has been calculated or a description of the manner in which it has been calculated.

#### **Absence of chairman**

31. Where it is not possible for a decision, order or reasons to be signed by the chairman due to death, incapacity or absence –

- (a) if the chairman has dealt with the proceedings alone the document shall be signed by the President or the Vice-President when it is practicable for him to do so; and
- (b) if the proceedings have been dealt with by a tribunal composed of two or three persons, the document shall be signed by the other person or persons,

and any person who signs the document shall certify that the chairman is unable to sign.

#### **Entry of decisions and reasons in the Register**

32.—(1) Subject to rule 49, the Secretary shall enter a copy of the following documents in the Register –

- (a) any decision (including any order for costs, allowances, preparation time or wasted costs); and
- (b) any written reasons provided in accordance with rule 30 in relation to any decision.

(2) Written reasons for decisions shall be omitted from the Register in any case in which evidence has been heard in private and the tribunal or chairman so orders. In such a case the Secretary shall send the reasons to each of the parties and where there are proceedings before a superior court relating to the decision in question, he shall send the reasons to that court, together with a copy of the entry in the Register of the decision to which the reasons relate.