

## SCHEDULE 1

### INDUSTRIAL TRIBUNAL RULES OF PROCEDURE

#### *Power to review decisions*

#### **Review of other decisions**

34.—(1) Parties may apply to have certain decisions made by a tribunal or a chairman reviewed under this rule, and rules 35 and 36. Those decisions are –

- (a) a decision not to accept a claim, response or counterclaim;
- (b) a decision which is a final determination of the proceedings or a particular issue in those proceedings (other than a default judgement but including an order for costs, allowances, preparation time or wasted costs); and
- (c) a decision made under rule 5(3) of Schedule 5.

(2) In relation to a decision not to accept a claim or response, only the party against whom the decision is made may apply to have the decision reviewed.

(3) Subject to paragraph (4), decisions may be reviewed on the following grounds only –

- (a) the decision was wrongly made as a result of an administrative error;
- (b) a party did not receive notice of the proceedings leading to the decision;
- (c) the decision was made in the absence of a party;
- (d) new evidence has become available since the conclusion of the hearing to which the decision relates, provided that its existence could not have been reasonably known of or foreseen at that time; or
- (e) the interests of justice require such a review.

(4) A decision not to accept a claim or response may only be reviewed on the grounds listed in paragraph (3)(a) and (e).

(5) A tribunal or chairman may on its or his own initiative review a decision made by it or him on the grounds listed in paragraph (3) or (4).

(6) In this rule, rules 35 and 36, “decision” means a decision mentioned in paragraph (1).