

SCHEDULE 3

INDUSTRIAL TRIBUNALS (EQUAL VALUE) RULES OF PROCEDURE

Duties and powers of the independent expert

9.—(1) When a tribunal requires an independent expert to prepare a report with respect to the question or an order is made under rule 5(2), the Secretary shall inform that independent expert of the duties and powers he has under this rule.

(2) The independent expert shall have a duty to the tribunal to –

- (a) assist it in furthering the overriding objective in regulation 3;
- (b) comply with the requirements of the rules in this Schedule and in Schedule 1 and any orders made by the tribunal or a chairman in relation to the proceedings;
- (c) keep the tribunal informed of any delay in complying with any order in the proceedings with the exception of minor or insignificant delays in compliance;
- (d) comply with any timetable imposed by the tribunal or chairman in so far as this is reasonably practicable;
- (e) inform the tribunal or a chairman on request by it or him of progress in the preparation of the independent expert's report;
- (f) prepare a report on the question based on the facts relating to the question and (subject to rule 13) send it to the tribunal and the parties; and
- (g) make himself available to attend hearings in the proceedings.

(3) The independent expert may make an application for any order or for a hearing to be held as if he were a party to the proceedings.

(4) At any stage of the proceedings the tribunal may, after giving the independent expert the opportunity to make representations, withdraw the requirement on the independent expert to prepare a report. If it does so, the tribunal may itself determine the question, or it may determine that a different independent expert should be required to prepare the report.

(5) When paragraph (4) applies the independent expert who is no longer required to prepare the report shall provide the tribunal with all documentation and work in progress relating to the proceedings by a date specified by the tribunal. Such documentation and work in progress must be in a form which the tribunal is able to use. Such documentation and work in progress may be used in relation to those proceedings by the tribunal or by another independent expert.

(6) When an independent expert has been required to prepare a report in proceedings the Secretary shall give the independent expert notice of all hearings, orders or decisions in those proceedings as if the independent expert were a party to those proceedings and when these Rules require a party to provide information to another party, such information shall also be provided to the independent expert.