

SCHEDULE 1

FAIR EMPLOYMENT TRIBUNAL RULES OF PROCEDURE

Different types of hearing

Hearings – general

13.—(1) A chairman or a tribunal (depending on the relevant rule) may hold the following types of hearing –

- (a) a case management discussion under rule 16;
- (b) a pre-hearing review under rule 17;
- (c) a hearing under rule 22; or
- (d) a review hearing under rule 29 or 32.

(2) So far as it appears appropriate to do so, the chairman or tribunal shall seek to avoid formality in his or its proceedings and shall not be bound by any statutory provision or rule of law relating to the admissibility of evidence in proceedings before the courts.

(3) The chairman or tribunal (as the case may be) shall make such enquiries of persons appearing before him or it and of witnesses as he or it considers appropriate and shall otherwise conduct the hearing in such manner as he or it considers most appropriate for the clarification of the issues and generally for the just handling of the proceedings.

(4) Unless the parties agree to shorter notice, the Secretary shall send notice of any hearing (other than a case management discussion) to every party not less than 14 days before the date fixed for the hearing and shall inform them that they have the opportunity to submit written representations and to advance oral argument. The Secretary shall give the parties reasonable notice before a case management discussion is held.

(5) If a party wishes to submit written representations for consideration at a hearing (other than a case management discussion) he shall present them to the Office of the Tribunals not less than 7 days before the hearing and shall at the same time send a copy to all other parties.

(6) The tribunal or chairman may, if it or he considers it appropriate, consider representations in writing which have been submitted otherwise than in accordance with paragraph (5).

Use of electronic communications

14.—(1) A hearing (other than those mentioned in sub-paragraphs (c) and (d) of rule 13(1)) may be conducted by use of electronic communications provided that the chairman or tribunal conducting the hearing considers it just and equitable to do so.

(2) Where a hearing is required by these Rules to be held in public and it is to be conducted by use of electronic communications in accordance with this rule then, subject to rule 15, it must be held in a place to which the public has access and using equipment so that the public is able to hear all parties to the communication.

Hearings which may be held in private

15.—(1) A hearing or part of one may be conducted in private for the purposes of –

- (a) hearing evidence which in the opinion of the tribunal or chairman relates to matters of such a nature that it would be against the interests of national security, public safety or public order to allow the evidence to be given in public;

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- (b) hearing evidence from any person which in the opinion of the tribunal or chairman is likely to consist of information –
 - (i) which he could not disclose without contravening a prohibition imposed by or under any statutory provision;
 - (ii) which has been communicated to him in confidence, or which he has otherwise obtained in consequence of the confidence placed in him by another person;
 - (iii) the disclosure of which would, for reasons other than its effect on negotiations with respect to any of the matters mentioned in Article 96(1) of the Industrial Relations (Northern Ireland) Order 1992(1), cause substantial injury to any undertaking of his or any undertaking in which he works; or
 - (iv) the disclosure of which would create a substantial risk that he or another individual would be subject to physical attack or sectarian harassment.
- (2) Where a tribunal or chairman decides to hold a hearing or part of one in private, it or he shall give reasons for doing so.

(1) S.I.1992/807 (N.I. 5)