

SCHEDULE 1

THE INDUSTRIAL TRIBUNALS AND FAIR EMPLOYMENT TRIBUNAL RULES OF PROCEDURE 2020

PART 16

OTHER PROCEEDINGS

Application of this Schedule to applications for enforcement of an undertaking or directions

104.—(1) For the purposes of an application under Article 16(1) (enforcement of an undertaking or directions) or 16(7)(b) (enforcement of an order under Article 16(3)(a)) of the Fair Employment and Treatment Order—

- (a) any reference to a claim shall be read as a reference to an application;
- (b) any reference to a claimant shall be read as a reference to the Commission;
- (c) any reference to a respondent shall be read as a reference to the person who gave the undertaking, was given the directions or against whom an order was made (as the case may require).

(2) For the purposes of an application under Article 16(8)(a) (to revoke or vary the terms of an order under Article 16(3)) of the Fair Employment and Treatment Order—

- (a) any reference to a claim shall be read as a reference to an application;
- (b) any reference to a claimant shall be read as a reference to the applicant;
- (c) any reference to a respondent shall be read—
 - (i) if the applicant is the Commission, as a reference to the person against whom the order was made; and
 - (ii) if the applicant is the person against whom the order was made, as a reference to the Commission.

(3) For the purposes of this rule and its application to this Schedule—

“directions” means directions given by the Commission under Articles 12, 13, 14 or 57 of the Fair Employment and Treatment Order or substituted by the Fair Employment Tribunal under Article 15 of that Order;

“undertaking”, except for the purposes of rule 44(1)(c)(iii), means an undertaking given to the Commission under Article 12, 13 or 57 of the Fair Employment and Treatment Order,

and any reference to Article 15 or 16 of the Fair Employment and Treatment Order (appeals and legal proceedings in relation to undertakings and directions) includes reference to those provisions as they are applied for the purposes of Articles 57 and 58 by Article 59 of that Order.