

SCHEDULE 1

THE INDUSTRIAL TRIBUNALS AND FAIR EMPLOYMENT TRIBUNAL RULES OF PROCEDURE 2020

PART 14

DELIVERY OF DOCUMENTS

Delivery to the tribunal

82.—(1) Documents may be delivered to the tribunal—

- (a) by post;
- (b) by direct delivery to the tribunal office (including delivery by a courier or messenger service); or
- (c) by electronic communication.

(2) The tribunal may from time to time notify the parties of any change of address, or that a particular form of communication should or should not be used, and any documents shall be delivered in accordance with that notification.

Delivery to parties

83.—(1) Documents may be delivered to a party (whether by the tribunal or by another party)—

- (a) by post;
- (b) by direct delivery to that party's address (including delivery by a courier or messenger service);
- (c) by electronic communication; or
- (d) by being handed personally—
 - (i) to that party, if an individual and if no representative has been named in the claim form or response;
 - (ii) to any individual representative named in the claim form or response; or
 - (iii) on the occasion of a hearing, to any person identified by the party as representing that party at that hearing.

(2) For the purposes of sub-paragraphs (a) to (c) of paragraph (1), the document shall be delivered to the address given in the claim form or response (which shall be the address of the party's representative, if one is named) or to a different address as notified in writing by the party in question.

(3) If a party has given both a postal address and one or more electronic addresses, any of them may be used unless the party has indicated in writing that a particular address should or should not be used.

Delivery to non-parties

84. Subject to the special cases referred to in rule 85, documents shall be sent to non-parties—

- (a) at any address for service which they may have notified;
- (b) where no address has been notified—
 - (i) at any known address or place of business in the United Kingdom;

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- (ii) if the party is a corporate body, at its registered or principal office in the United Kingdom;
- (c) in any case, if permitted by the President or the Vice-President, at an address outside the United Kingdom.

Special cases

85. Addresses for serving the Department, the Advocate General for Northern Ireland, the Attorney General for Northern Ireland, the First Minister, the deputy First Minister, the Commission, and any other body or person the President considers appropriate, shall be issued by practice direction.

Substituted service

86. Where no address for service in accordance with the above rules is known or it appears that service at any such address is unlikely to come to the attention of the addressee, the President or the Vice-President may order that there shall be substituted service in such manner as appears appropriate.

Date of delivery

87. Subject to rule 88, a document delivered in accordance with rule 82 or 83 shall be taken to have been received by the addressee—

- (a) if sent by post, on the day on which it would be delivered in the ordinary course of post;
- (b) if sent by means of electronic communication, on the day of transmission;
- (c) if delivered directly or personally, on the day of delivery.

Situations in which a document may be treated as delivered

88.—(1) A tribunal may treat any document as delivered to a person, notwithstanding any non-compliance with rules 83 to 85, if satisfied that the document in question, or its substance, has in fact come to the attention of that person.

(2) Without prejudice to the generality of paragraph (1), a tribunal may treat a document as delivered to a person, unless the contrary is proved, if the document was delivered by post or by direct or personal delivery to that person at their last known address, even if that document has been returned as undelivered.

Correspondence with the tribunal: copying to other parties

89. Where a party sends a communication to the tribunal (except an application for an order requiring a person to attend a hearing under rule 27(1)(a)(iii)) that party shall send a copy to all other parties and state that it has done so (by use of “cc” or otherwise) including the date and means of delivery. The tribunal may order a departure from this rule where it considers it in the interests of justice to do so.