

SCHEDULE 2

THE INDUSTRIAL TRIBUNALS (NATIONAL SECURITY) RULES OF PROCEDURE 2020

Reasons in national security proceedings

6.—(1) The Secretary shall send a copy of the written reasons given under rule 57 to the Secretary of State and allow 42 days for the Secretary of State to make a direction under paragraph (3) before sending them to any party or entering them onto the register.

(2) If the tribunal considers it expedient in the interests of national security, it may by order take steps to keep secret all or part of the written reasons.

(3) If the Secretary of State considers it expedient in the interests of national security, the Secretary of State may direct that the written reasons—

- (a) shall not be disclosed to specified persons and require the tribunal to prepare a further document which sets out the reasons for the decision, but omits specified information (“the edited reasons”);
- (b) shall not be disclosed to specified persons and that no further document setting out the reasons for the decision should be prepared.

(4) Where the Secretary of State has directed the tribunal to prepare edited reasons, the employment judge shall initial each omission.

(5) Where a direction has been made under paragraph (3)(a), the Secretary shall—

- (a) send the edited reasons to the specified persons;
- (b) send the edited reasons and the written reasons to the relevant persons listed in paragraph (7); and
- (c) where the written reasons relate to a judgment, enter the edited reasons on the register but not enter the written reasons on the register.

(6) Where a direction has been made under paragraph (3)(b), the Secretary shall send the written reasons to the relevant persons listed in paragraph (7), but not enter the written reasons on the register.

(7) The relevant persons are—

- (a) the respondent or the respondent’s representative, provided that they were not specified in the direction made under paragraph (3);
- (b) the claimant or the claimant’s representative, provided that they were not specified in the direction made under paragraph (3);
- (c) any special advocate appointed in the proceedings; and
- (d) where the proceedings were referred to the tribunal by a court, to that court.

(8) Where written reasons or edited reasons are corrected under rule 63, the Secretary shall send a copy of the corrected reasons to the same persons who had been sent the reasons.