

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations consolidate the National Insurance (Mariners) Regulations (Northern Ireland) 1948 and subsequent amending regulations which are set out in Schedule 4 and are revoked by regulation 26.

Apart from regulation 23 which introduces a provision to facilitate the computation of seamen's graduated contributions no amendments other than those of a drafting or consequential nature have been made.

1967. No. 109

[C]

INDUSTRIAL TRAINING

Industrial Tribunals

REGULATIONS, DATED 12TH MAY 1967, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE INDUSTRIAL TRAINING ACT (NORTHERN IRELAND) 1964 AND THE CONTRACTS OF EMPLOYMENT AND REDUNDANCY PAYMENTS ACT (NORTHERN IRELAND) 1965.

The Ministry of Health and Social Services, in exercise of powers conferred by section 13 of the Industrial Training Act (Northern Ireland) 1964(a) and by section 52 of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965(b), and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation and interpretation

1.—(1) These regulations may be cited as the Industrial Tribunals (Amendment) Regulations (Northern Ireland) 1967.

(2) In these regulations "the principal regulations" mean the Industrial Tribunals Regulations (Northern Ireland) 1965(c).

Amendment to regulation 3 of the principal regulations

2. In regulation 3 of the principal regulations there shall be substituted the following paragraphs for paragraph (1):—

"(1) Subject to the provisions of paragraph (1A), a tribunal shall consist of a chairman and two other members, but in the absence of any one member of a tribunal other than the chairman, an appeal may with the consent of the parties be heard in the absence of such member, and in that event the tribunal shall be deemed to be properly constituted.

(1A) A tribunal may consist of the President or the chairman for any of the following purposes, that is to say:—

(a) 1964. c. 18 (N.I.).

(b) 1965. c. 19 (N.I.).

(c) S.R. & O. (N.I.) 1965, No. 112 as amended by S.R. & O. (N.I.) 1966, No. 261.

- (a) making an order dismissing the proceedings where the appellant or applicant has given written notice of the abandonment of his appeal or application;
- (b) making an order allowing the appeal where the Board has given written notice that the appeal is not contested;
- (c) deciding an appeal or application in accordance with the written agreement of the parties;
- (d) dealing with any interlocutory matter or application;
- (e) making an order for costs in connection with an order or decision mentioned in the foregoing sub-paragraphs."

Amendment to the Schedule to the principal regulations

3. For the Schedule to the principal regulations there shall be substituted the Schedule to these regulations.

Regulation added to the principal regulations

4. After regulation 4 of the principal regulations there shall be inserted the following regulation:—

"Proof of decisions of tribunals

5. The production in any proceedings in any court of a document purporting to be certified by the Secretary of the Tribunals to be a true copy of an entry of a decision in the Register of Appeals shall, unless the contrary is proved, be sufficient evidence of the document and of the facts stated therein."

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 12th day of May nineteen hundred and sixty-seven.

(L.S.)

W. G. H. Quigley,
Assistant Secretary.

SCHEDULE

Rules of Procedure

Notice of Appeal

1. An appeal against an assessment to a levy shall be instituted by the appellant sending to the Board in duplicate a notice of appeal which shall be in accordance with Form 1, and shall set out the grounds of the appeal.

Action upon receipt of appeal

2.—(1) Subject to the provisions of Rules 3 and 4, the Board upon receiving the notice of appeal shall send within 21 days to the Secretary of the Tribunals—

- (a) one copy of the notice of appeal;
- (b) a copy of the assessment notice and of any notice by the Board allowing further time for appealing;
- (c) a notice giving the Board's address for service under these Rules where that address is different from the address specified in the assessment notice as the address for service of a notice of appeal; and
- (d) any representations in writing relating to the appeal that the Board may then desire to submit to the tribunal.

(2) Failure to comply with any provision of this or the next following Rule shall not render the appeal or anything done in pursuance thereof invalid.

Further particulars of appeal

3.—(1) Subject to Rule 4, this Rule applies in a case where the Board upon receiving the notice of appeal requires further particulars of the grounds on which the appellant intends to rely and of any facts and contentions relevant thereto.

(2) The Board shall within 21 days of receiving the notice of appeal send to the appellant a notice specifying the further particulars required by the Board.

(3) The appellant shall within 21 days of receiving the said notice, or within such further period as the Board may allow, send to the Board in duplicate such further particulars.

(4) Subject to the provisions of the next following paragraph, the Board shall within 21 days of receiving such further particulars send to the Secretary of the Tribunals—

- (a) the documents specified in Rule 2;
- (b) a copy of the notice requiring the further particulars; and
- (c) such further particulars, and any representations in writing with respect thereto that the Board may then desire to submit to the tribunal.

(5) If such further particulars are not received by the Board in due time the documents mentioned in sub-paragraphs (a) and (b) of the foregoing paragraph shall be sent by the Board to the Secretary of the Tribunals not later than—

- (a) the 50th day after the receipt of the notice of appeal by the Board; or
- (b) if the Board has allowed a further period of time for delivery of further particulars under paragraph (3) of this Rule, the 7th day after the expiration of such period.

Withdrawal of appeal or assessment

4.—(1) The appellant may withdraw the notice of appeal by notice given to the Board at any time before the entry of the appeal in the Register of Appeals under Rule 5(a) and in that event no further action shall be taken in relation to the appeal.

(2) Where an assessment is withdrawn by the Board, no further action shall be taken in relation to the appeal.

Entry of appeal

5. Upon receiving from the Board the relevant documents in accordance with Rule 2(1), Rule 3(4) or Rule 3(5) the Secretary of the Tribunals shall as soon as may be—

- (a) enter particulars of the appeal in the Register of Appeals;
- (b) give notice to the appellant and to the Board of the case number of the appeal entered in the Register (which shall thereafter constitute the title of the appeal) and of the address to which notices and other communications to the Secretary of the Tribunals shall be sent;
- (c) give notice to the appellant of the Board's address for service under these Rules; and
- (d) send to the appellant a copy of any representations in writing that the Board has submitted to the tribunal under Rule 2 or Rule 3.

Directions for further particulars

6.—(1) In any case in which an appellant has not sent to the Board further particulars in accordance with a notice sent by the Board under Rule 3 the tribunal may, on the application of the Board (which may be sent to the Secretary of the Tribunals with the documents referred to in Rule 3(5)), by notice direct the appellant to supply such further particulars of the grounds on which he intends to rely and of any facts and contentions relevant thereto as may be specified in the notice, and the appellant shall send such particulars in duplicate to the Secretary of the Tribunals within such time as the tribunal shall direct.

(2) Upon receipt of further particulars from the appellant the Secretary of the Tribunals shall send a copy thereof to the Board.

(3) If the appellant makes default in complying with a direction made by the tribunal under this Rule the tribunal may on the application of the Board dismiss the appeal or give such other directions as may seem proper.

(4) The tribunal may at any time by notice direct the Board to furnish any particulars relating to the assessment which appear to be requisite for the decision of the appeal, and thereupon the Board shall send the particulars to the Secretary of the Tribunals and to the appellant.

Attendance of witnesses and discovery

7.—(1) On the application of the appellant or the Board made either by notice to the Secretary of the Tribunals or at the hearing the tribunal may—

- (a) grant to that party such a discovery and inspection of documents as might be granted by the county court; or
- (b) require any person (including a party to the proceedings) to attend as a witness and to give evidence or to produce any documents in his possession or power which relate to the appeal;

and may appoint the time at or within which or the place at which any act required in pursuance of this Rule is to be done.

(2) A party on whom a requirement has been made under paragraph (1)(a) of this Rule or a person on whom a requirement has been made under paragraph (1)(b) may, if such requirement was made upon an *ex parte* application, apply to the tribunal to vary or set aside the requirement, and notice of such an application shall be given to the party upon whose application the requirement was made.

(3) No application to vary or set aside a requirement as aforesaid shall be entertained by the tribunal in a case where a time has been appointed in relation to the requirement unless the application is made before the time or, as the case may be, the expiration of the time so appointed.

(4) Every document containing a requirement under paragraph (1) of this Rule shall contain a reference to the fact that under section 52(4) of the Contracts

of Employment and Redundancy Payments Act (Northern Ireland) 1965 any person who without reasonable excuse fails to comply with any such requirement is liable on summary conviction to a fine not exceeding £50 or imprisonment for a term not exceeding three months or both.

Time and place of hearing of appeal

8. The Ministry shall fix the date, time and place of the hearing of an appeal, and the Secretary of the Tribunals shall not less than 14 days before the date so fixed send to the appellant and to the Board a notice in accordance with Form 2.

The hearing

9.—(1) Any hearing of or in connection with an appeal shall take place in private, unless the appellant requests that the hearing shall be in public.

(2) If the appellant or the Board desire to submit representations in writing relating to an appeal for consideration by the tribunal at the hearing of such appeal the appellant or the Board, as the case may be, shall send such representations to the Secretary of the Tribunals not less than 7 days before the hearing and shall at the same time send a copy thereof to the other party.

Representation

10.—(1) The appellant may appear at any hearing of or in connection with his appeal, and may be heard in person or be represented by counsel or solicitor or with leave of the tribunal by any other person.

(2) The Board may appear at any hearing of or in connection with an appeal, and may be represented by any member or officer thereof or by counsel or solicitor.

Procedure at hearing

11.—(1) At the hearing of an appeal the appellant and the Board shall be entitled to make opening statements, to call witnesses, to cross-examine any witnesses called by the other party and to address the tribunal.

(2) The appellant may if he so desires give evidence on his own behalf.

(3) If the appellant or the Board or both of them shall fail to appear or to be represented at the time and place fixed for a hearing the tribunal may dispose of the appeal or application in the absence of such party or parties or may adjourn the hearing to a later date: Provided that before disposing of an appeal in the absence of either or both parties the tribunal shall consider any representations submitted by such party or parties under these Rules.

(4) The tribunal may require any witnesses to give evidence on oath or affirmation, and for that purpose there may be administered an oath or affirmation in due form.

Decision of tribunal

12.—(1) A decision of the tribunal may be taken by a majority thereof and, if in accordance with Regulation 3(1) the tribunal shall be constituted of two members only, the chairman shall have a second or casting vote.

(2) The decision of the tribunal shall be recorded in a document signed by the chairman, which shall contain the reasons for the decision.

(3) The clerk to the tribunal shall transmit the document signed by the chairman to the Secretary of the Tribunals who shall as soon as may be enter it in the Register of Appeals, and shall send a copy of the entry to the appellant and the Board: Provided that the specification of the reasons for the decision shall be omitted from the Register in any case in which the tribunal on the application of the appellant so directs on the ground that disclosure would be contrary to the interests of the appellant, and in that event a specification of the reasons shall be sent to the appellant and the Board together with the copy of the entry.

(4) The Register of Appeals shall be kept at the Office of the Tribunals and shall be open to the inspection of any person without charge at all reasonable hours.

(5) The chairman of the tribunal shall have power by certificate under his hand to correct in documents recording the tribunal's decisions clerical mistakes or errors arising therein from any accidental slip or omission.

(6) The clerk to the tribunal shall send a copy of any document so corrected and the certificate of the chairman to the Secretary of the Tribunals who shall thereupon make such correction as may be necessary in the Register of Appeals and shall send a copy of the corrected entry or of the corrected specification of the reasons, as the case may be, to the appellant and the Board.

Costs

13. The decision of the tribunal may include:—

- (a) an order that the Board shall pay to the appellant or that the appellant shall pay to the Board either a specified sum in respect of the costs incurred by the appellant or the Board, as the case may be;
- (b) an order that the Board or the appellant shall pay to the Ministry a specified sum in respect of the whole, or any part of, any allowances paid by the Ministry under section 13(3) of the Act (as amended by section 52(5) of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965) to any person, other than a member of the tribunal, for the purposes of, or in connection with, his attendance at the tribunal.

Miscellaneous powers of tribunal

14.—(1) The tribunal may if it thinks fit:—

- (a) subject to Rule 7(3), extend the time appointed by these Rules for doing any act notwithstanding that the time appointed may have expired;
- (b) before granting an application referred to in Rule 6(1), Rule 6(3), Rule 7(1) or Rule 15 require the party making the application to give notice thereof to the other party;
- (c) postpone the day or time fixed for, or adjourn the hearing of, any appeal or application;
- (d) if at any time after the entry of the appeal in the Register of Appeals the appellant shall give notice of the abandonment of his appeal to the Secretary of the Tribunals and to the Board, or the Board shall give notice that the appeal is not contested to the Secretary of the Tribunals and to the appellant, dismiss or allow the appeal, as the case may be, and thereupon Rule 13 shall apply;
- (e) if the appellant and the Board agree in writing upon the terms of a decision to be made by the tribunal, decide accordingly.

(2) A notice under paragraph (1)(b) of this Rule shall give particulars of the application and indicate the address to which and the time within which any objection to the application shall be made, being an address and time specified by the tribunal for the purposes of the application.

(3) Subject to the provisions of these Rules the tribunal may regulate its own procedure.

(4) The President or the chairman of the tribunal may decide an application made under these Rules, and any other act, except the hearing of an appeal, required or authorised by these Rules to be done by the tribunal may be done by, or on the direction of, any such person.

Applications

15.—(1) An application to the tribunal for an extension of the time appointed by these Rules for doing any act may be made by the appellant or the Board either before or (subject to Rule 7(3)) after the expiration of the time so appointed.

(2) The appellant or the Board may at any time apply to the tribunal for directions on any matter arising in connection with an appeal.

(3) An application made under the foregoing provision of these Rules or to the tribunal for an extension of the time for appealing against an assessment to a levy shall be made by sending to the Secretary of the Tribunals in duplicate a notice of application which shall state the title of the appeal, or the number of the assessment in the case where an appeal has not been entered in the Register of Appeals, and shall set out the grounds of the application.

(4) The Secretary of the Tribunals shall give notice to the appellant and to the Board of any extension of time granted by the tribunal or of any directions given by the tribunal in pursuance of these Rules.

Notices, etc.

16.—(1) Any notice given under these Rules shall be in writing, and all notices and documents required or authorised by these Rules to be sent or given to any person hereinafter mentioned may be sent by post by means of the recorded delivery service or delivered to or at—

- (a) in the case of a notice of appeal, the Board's address for service specified in the assessment notice;
- (b) in the case of any other document directed to the Board, the Board's address for service;
- (c) in the case of a document (other than a notice of appeal) directed to the Secretary of the Tribunals, the Office of the Tribunals;
- (d) in the case of a document directed to the appellant, his address for service specified in a notice given under these Rules, or, failing such a notice, his last known address or place of business in the United Kingdom or, if the appellant is a corporation, such address or place of business or its registered or principal office;

and if sent or given to the authorised representative of the appellant or the Board shall be deemed to have been sent or given to the appellant or the Board as the case may be.

(2) The appellant or the Board may at any time by notice to the Secretary of the Tribunals and to the other party change his address for service under these Rules.

APPENDIX

FORM 1

INDUSTRIAL TRAINING ACT (NORTHERN IRELAND) 1964

Notice of Appeal against an Assessment

TO *INDUSTRIAL TRAINING BOARD
..... †
.....

AND TO

The Secretary of the Central Office
of the Industrial Tribunals,
Dundonald House,
Upper Newtownards Road,
Belfast, 4.

I/We ‡ of §
hereby give notice that I/we ‡ appeal to an appeal tribunal under the Industrial
Training Act (Northern Ireland) 1964, sections 4 and 13, against the assessment
to the levy made by the above-mentioned industrial training board on
..... 19....., being the assessment numbered

Grounds of Appeal :

The grounds of my/our ‡ appeal are as follows:—

Address for Service

All communications regarding the appeal should be addressed to me/us ‡ at
§
to my/our ‡ Solicitor(s)/Agent(s) ‡, Mr./Messrs. ‡
..... at §

Dated 19....

Signed ¶

*Insert name of the Board.

‡Insert the address of the Board.

‡Delete if inapplicable.

§Insert address as applicable.

¶If the notice is signed on behalf of the appellant, the signatory must state in what capacity or by what authority he signs.

NOTE. This notice must be sent to the Board in duplicate at the address stated in the assessment notice. It may be sent by post by means of the recorded delivery service or delivered at that address.

FORM 2

INDUSTRIAL TRAINING ACT (NORTHERN IRELAND) 1964

Notice of Hearing

Case No. Central Office of the Industrial
 Tribunals,
 Tribunal Dundonald House,
 Upper Newtownards Road,
 Belfast, 4.

NOTICE IS HEREBY GIVEN that the appeal of
 against the assessment to the levy made by
 the Industry Training Board and
 numbered will be heard by an Industrial Tribunal at
 on the day of 19.... at o'clock
 in the noon, or as soon as may be thereafter.

Unless the appellant receives from me a communication to the contrary,
 he should in his own interest appear at the hearing with his witnesses at the
 above time and place.

The appellant is entitled to be represented by counsel or solicitor or with
 leave of the tribunal by another person.

If for any reason the appellant does not propose, or is unable, to appear
 at the hearing either in person or by representative, the appellant should
 immediately inform me in writing at the address mentioned at the head of this
 notice, stating the case number of the appeal and the reasons for the inability
 to attend or to be represented.

The appellant and the Board are entitled to submit representations in writing
 for consideration of the tribunal at the hearing of the appeal. Any such
 representations must be sent to the Secretary of the Industrial Tribunals at the
 address mentioned at the head of this notice not less than seven days before
 the hearing, and a copy must be sent at the same time to the other party. If either
 or both parties fail to attend the hearing, the tribunal may dispose of the appeal
 in their absence, but in such case the tribunal will consider any representations
 so submitted.

Dated 19....

Signed

Secretary.

To the Appellant
 and

To Industry Training Board.

EXPLANATORY NOTE

*(This Note is not part of the regulations but is intended to
 indicate their general purport.)*

These regulations amend the Industrial Tribunals Regulations (Northern
 Ireland) 1965. In the Schedule to the regulations there are set out revised
 Rules of Procedure for the determination of appeals arising under levy
 orders.

The industrial tribunals were established under section 13 of the Industrial
 Training Act (Northern Ireland) 1964 for the determination of appeals against
 assessment to a levy imposed by an industrial training board; their jurisdiction
 has since been extended to the determination of appeals and questions arising
 under the Contracts of Employment and Redundancy Payments Act (Northern
 Ireland) 1965 and the Selective Employment Payments Act (Northern Ireland)
 1966.