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SCHEDULES

SCHEDULE 1

RE-ENACTED PROVISIONS OF INDUSTRIAL RELATIONS ACT 1971

PART III

JURISDICTION AND PROCEDURE OF INDUSTRIAL TRIBUNALS

Regulations as to tribunal procedure

[Schedule 6, paragraphs 1 to 5 and 11]

- 21 (1) Regulations (in this Part of this Schedule referred to as " the regulations") may make such provision as appears to the Secretary of State to be necessary or expedient with respect to proceedings before industrial tribunals.
- (2) The regulations may in particular include provision—
- (a) for determining by which tribunal any appeal, question or complaint is to be determined ;
 - (b) for treating the Secretary of State (either generally or in such circumstances as may be prescribed by the regulations) as a party to any proceedings before an industrial tribunal, where he would not otherwise be a party to them, and entitling him to appear and to be heard accordingly.
 - (c) for requiring persons to attend to give evidence and produce documents, and for authorising the administration of oaths to witnesses ;
 - (d) for granting to any person such discovery or inspection of documents or right to further particulars as might be granted by a county court in England and Wales or, in Scotland, for granting to any such person such recovery or inspection of documents as might be granted by the sheriff ;
 - (e) for prescribing the procedure to be followed on any appeal, reference or complaint or other proceedings before an industrial tribunal, including provisions as to the persons entitled to appear and to be heard on behalf of parties to such proceedings, and provisions for enabling an industrial tribunal to review its decisions, and revoke or vary its orders and awards, in such circumstances as may be determined in accordance with the regulations;
 - (f) for the appointment of one or more assessors for the purposes of any proceedings before an industrial tribunal, where the proceedings are brought under an enactment which provides for one or more assessors to be appointed;
 - (g) for the award of costs or expenses, including any allowances payable under section 12(3) of the Industrial Training Act 1964 other than allowances payable to members of industrial tribunals or assessors ;

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- (h) for taxing or otherwise settling any such costs or expenses (and, in particular, in England and Wales, for enabling such costs to be taxed in the county court); and
 - (i) for the registration and proof of decisions, orders and awards of industrial tribunals.
- (3) In relation to proceedings on complaints under paragraph 17 above the regulations shall include provision—
- (a) for requiring a copy of any such complaint, and a copy of any notice relating to it which is lodged by or on behalf of the employer against whom the complaint is made, to be sent to a conciliation officer;
 - (b) for securing that the complainant and the employer against whom the complaint is made are notified that the services of a conciliation officer are available to them ; and
 - (c) for postponing the hearing of any such complaint for such period as may be determined in accordance with the regulations for the purpose of giving an opportunity for the complaint to be settled by way of conciliation and withdrawn.
- (4) An industrial tribunal shall not consider a complaint under paragraph 17 above unless it is presented to the tribunal before the end of the period of three months beginning with the effective date of termination or within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented within the period of three months.
- (5) The regulations may enable an industrial tribunal to sit in private for the purpose of hearing evidence which in the opinion of the tribunal relates to matters of such a nature that it would be against the interests of national security to allow the evidence to be given in public or hearing evidence from any person which in the opinion of the tribunal is likely to consist of—
- (a) information which he could not disclose without contravening a prohibition imposed by or under any enactment; or
 - (b) any information which has been communicated to him in confidence, or which he has otherwise obtained in consequence of the confidence reposed in him by another person; or
 - (c) information the disclosure of which would, for reasons other than its effect on negotiations with respect to any of the matters mentioned in section 29(1) above, be seriously prejudicial to the interests of any undertaking of his or any undertaking in which he works.
- (6) Any person who without reasonable excuse fails to comply with any requirement imposed by the regulations by virtue of sub-paragraph (2)(c) above or any requirement with respect to the discovery, recovery or inspection of documents so imposed by virtue of sub-paragraph (2)(d) above shall be liable on summary conviction to a fine not exceeding £100.