

1978 No. 992

INDUSTRIAL TRIBUNALS
The Industrial Tribunals (Labour Relations) (Scotland)
(Amendment) Regulations 1978

<i>Made</i> - - - - -	15th July 1978
<i>Laid before Parliament</i>	26th July 1978
<i>Coming into Operation</i>	21st August 1978

The Secretary of State in exercise of the powers conferred on him by paragraph 21 of Part III of Schedule 1 to the Trade Union and Labour Relations Act 1974(a), and of all other powers enabling him in that behalf, and after consultation with the Council on Tribunals hereby makes the following Regulations amending the Industrial Tribunals (Labour Relations) (Scotland) Regulations 1974(b), as amended (c) (hereinafter referred to as “the principal Regulations”):—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Industrial Tribunals (Labour Relations) (Scotland) (Amendment) Regulations 1978 and shall come into operation on 21st August 1978.

(2) The Interpretation Act 1889(d) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Amendment of principal Regulations

2. In Regulation 2(2) of the principal Regulations:—

- (a) the definition of “nominated chairman” shall be deleted;
- (b) there shall be inserted immediately after the definition of “the President” the following definition:—

“‘Regional Chairman’ means the chairman appointed by the President to carry out such functions as the President may designate in connection with the due administration of justice by tribunals in Scotland or the person nominated by the President or the Regional Chairman to discharge for the time being the functions of the Regional Chairman.”;

- (c) in the definition of “tribunal” for the reference to “a nominated chairman” there shall be substituted a reference to “the Regional Chairman”.

(a) 1974 c. 52.

(b) S.I. 1974/1387.

(c) The relevant amending instruments are S.I. 1976/662 and S.I. 1977/912.

(d) 1889 c. 63.

3. In Rule 1(1)(c) of the Schedule to the principal Regulations there shall be inserted after the word “grounds” the words “, with particulars thereof,”.

4. In Rule 3(1) of the Schedule to the principal Regulations there shall be inserted after the words “if so,” the phrase “setting out sufficient particulars to show”.

5. In Rule 4(1) of the Schedule to the principal Regulations:—

(a) there shall be inserted immediately after “a tribunal may” the words “, if it thinks fit, of its own motion (except in relation to sub-paragraphs (b) and (c) of this paragraph), or”;

(b) in sub-paragraph (b) there shall be inserted after the word “inspection” the words “(including the taking of copies)”.

6. In paragraphs (1), (2) and (3) of Rule 5 of the Schedule to the principal Regulations for each reference to “a nominated chairman” there shall be substituted a reference to “the Regional Chairman”.

7. In Rule 7(2) of the Schedule to the principal Regulations there shall be inserted after “the tribunal may” the words “, if that party is an applicant, dismiss, or, in any case,” and after “Provided that before” the words “deciding to dismiss or”.

8. In Rule 9 of the Schedule to the principal Regulations:—

(a) in paragraph (1), for the words “any of its decisions” there shall be substituted the words “any decision”;

(b) in paragraph (3), for the reference to “a nominated chairman” there shall be substituted a reference to “the Regional Chairman”;

(c) for paragraph (4) there shall be substituted the following paragraph:—

“(4) If such an application is not refused under paragraph (3) of this Rule it shall be heard by—

(i) the tribunal which decided the case, or

(ii) where it is not practicable for it to be heard by that tribunal, or where the decision was made by a chairman acting alone under Rule 11(4), by a tribunal appointed by the President or the Regional Chairman,

and if it is granted the tribunal shall either vary the decision or revoke the decision and order a re-hearing.”.

9. In Rule 11 of the Schedule to the principal Regulations:—

(a) in paragraph (2) there shall be inserted in sub-paragraph (a) after the word “by” the words “or under” and there shall be added at the end a new sub-paragraph:

“(f) on the application of the respondent, or of its own motion, order to be struck out any application for excessive delay in proceeding with it.”;

(b) in paragraph (4), for the reference to “a nominated chairman” there shall be substituted the words “any chairman being a member of the panel of chairmen.”.

10. In Rule 14(1)(b) of the Schedule to the principal Regulations for the address therein set out substitute "Pentland House, 47 Robb's Loan, Edinburgh EH14 1TW".

11. In Rule 14(4) of the Schedule to the principal Regulations for the reference to "a nominated chairman" there shall be substituted a reference to "the Regional Chairman".

Signed by order of the Secretary of State.
15th July 1978.

Harold Walker,
Minister of State,
Department of Employment.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations further amend the Industrial Tribunals (Labour Relations) (Scotland) Regulations 1974. The principal changes made include giving power to a tribunal:

- (a) to require of its own motion a party to furnish further particulars;
- (b) to review a decision of another tribunal where it is not practicable for that tribunal to review its decision; and
- (c) to strike out any application for excessive delay.

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