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STATUTORY INSTRUMENTS

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**1996 No. 1758**

**The Industrial Tribunals (Constitution and Rules of Procedure) (Scotland) (Amendment) Regulations 1996**

**Amendments of rules in Schedule 2**

**19.** In rule 8A(16) of Schedule 2, omit “shall be made in accordance with paragraph (2) and”, and after that rule insert—

“(16A) Paragraphs (4), (7) to (10B), (10D) and (10E) shall apply in relation to a requirement under paragraph (15) as if that requirement was a requirement to prepare a report except that—

- (a) the duty on the Secretary under paragraph (4) to send a notice concerning unreasonable delay by the parties of the preparation of the expert’s report shall not apply;
- (b) for the purpose of such application the following sub-paragraphs shall be substituted for the sub-paragraphs of paragraph (10A)—
  - “(a) give written notice to the expert that he is still required to send the reply by the required date;
  - (b) give written notice to the expert substituting a later date as the required date;
  - (c) notify the expert in writing that the requirement is cancelled without requiring another expert to fulfil it; or
  - (d) so notify the expert and require another expert to fulfil the requirement in accordance with paragraph (15);” and;
- (c) the tribunal may decide not to require the expert to send progress reports to the tribunal if it considers the requirement to be inappropriate in the circumstances and in that event—
  - (i) paragraphs (4)(f) and (8) shall not apply; and
  - (ii) paragraph (9) shall apply if the expert at any time comes to the view that he will be unable to send his reply to the tribunal by the required date.”