STATUTORY INSTRUMENTS

1971 No. 1903 (L.40)

INDUSTRIAL RELATIONS

The Industrial Court (Appeals) Order 1971

Laid before Parliament in draft

Made - - -	*24th November* 1971
Coming into Operation	*1st December* 1971

Whereas a draft of the following Order was laid before Parliament and approved by resolution of each House:

Now, therefore, the Lord Chancellor, in exercise of the powers conferred on him by section 114(2) and (4) of the Industrial Relations Act 1971(**a**), hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Industrial Court (Appeals) Order 1971 and shall come into operation on 1st December 1971.

Interpretation

2. The Interpretation Act 1889(**b**) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Appeals from Industrial Tribunals to Industrial Court

3. An appeal on a question of law arising in any proceedings before, or arising from any decision of, an industrial tribunal in England and Wales—

(*a*) under the Contracts of Employment Act 1963(**c**); or

(*b*) under the Redundancy Payments Act 1965(**d**); or

(*c*) under the Equal Pay Act 1970(**e**); or

(*d*) on a complaint under the Industrial Relations Act 1971

shall, subject to paragraph 6 of this Order, lie to the Industrial Court and not to any other court.

Supplementary

4. Subject to paragraph 6 of this Order, section 13(1) of the Tribunals and Inquiries Act 1971(**f**) (which confers on parties to proceedings before certain tribunals a right to appeal to the High Court on a point of law, or to require

(**a**) 1971 c. 72. (**b**) 1889 c. 63. (**c**) 1963 c. 49.
(**d**) 1965 c. 62. (**e**) 1970 c. 41. (**f**) 1971 c. 62.

the tribunal to state a case for the opinion of the High Court) shall not apply to proceedings before an industrial tribunal in England and Wales exercising any of the jurisdictions mentioned in paragraph 3 of this Order.

Transitional provisions

5.—(1) Without prejudice to paragraph 6 of this Order, an appeal (or motion for the determination of a case stated) in respect of any such decision or proceedings as are mentioned in paragraph 3 of this Order which is pending in the High Court on 1st December 1971 shall on that date be transferred to the Industrial Court and be dealt with as an appeal instituted in accordance with Industrial Court Rules on the date on which it was entered in the High Court.

(2) The Industrial Court shall have the same power to award costs in respect of an appeal or motion transferred to it by virtue of sub-paragraph (1) above as the High Court would have had in respect of such an appeal or motion if it had not been so transferred.

Savings

6. Nothing in this Order shall apply to an appeal, or the statement of a case, in respect of any decision made before 1st December 1971 if the High Court has, before that date, entered upon the consideration of the appeal or of the case.

Dated 24th November 1971.

Hailsham of St. Marylebone, C.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order confers on parties to proceedings before industrial tribunals in England and Wales a right to appeal on a question of law to the Industrial Court, instead of the High Court, from a decision under the Contracts of Employment Act 1963, the Redundancy Payments Act 1965 or the Equal Pay Act 1970, or on a complaint under the Industrial Relations Act 1971.