STATUTORY INSTRUMENTS

1971 No. 1777 (L.36)

INDUSTRIAL RELATIONS

The Industrial Court Rules 1971

Made - - - -	1*st November* 1971
Laid before Parliament	10*th November* 1971
Coming into Operation	1*st December* 1971

The Lord Chancellor, in exercise of the powers conferred on him by paragraph 18 of Schedule 3 to the Industrial Relations Act 1971(a), and after consultation with the Lord President of the Court of Session, hereby makes the following Rules:—

PART I

INTRODUCTORY

Citation and commencement

1. These Rules may be cited as the Industrial Court Rules 1971 and shall come into operation on 1st December 1971.

Interpretation

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

3. In these Rules, unless the context otherwise requires—

"the Act" means the Industrial Relations Act 1971 and a section or Schedule referred to by number means the section or Schedule so numbered in the Act;

"the court" means the National Industrial Relations Court established under the Act;

"the full court" means the court constituted in accordance with paragraph 17 of Schedule 3;

"judge" means a judge of the court and includes a judge nominated under paragraph 8 or 9 of Schedule 3 to act temporarily in the place of a judge of the court;

"the President" means the judge appointed under section 99(4) to be president of the court and includes a judge nominated under paragraph 7 of Schedule 3 to act temporarily in his place;

"proper officer" means the secretary of the court or other proper officer at the central office of the court or at such other office of the court as may be established;

(a) 1971 c. 72. (b) 1889 c. 63.

"the secretary" means the person appointed to be secretary of the court and includes any officer of the court authorised by the President to act as his deputy;

"the Secretary of Industrial Tribunals" means the person acting for the time being as the Secretary of the Central Office of the Industrial Tribunals (England and Wales) or, as may be appropriate, of the Central Office of the Industrial Tribunals (Scotland).

PART II

Applications to the Court in Respect of Rights of Workers and Collective Bargaining

Application of Part II

4. This Part of these Rules applies to applications to the court under—

section 7 (pre-entry closed shop agreements to be void);

section 11 (agency shop agreement);

section 14 (ballot on continuance of agency shop agreement);

section 17 and Schedule 1 (special provisions for approval of closed shop agreements);

section 31 (exclusion in respect of procedure agreement);

section 32 (revocation of exclusion under section 31);

section 37 (application relating to procedural provisions);

section 38 (provision for extending scope of reference under section 37(5));

section 41 (order of Industrial Court on report under section 40);

section 42 (supplementary provisions as to reports and orders under sections 40 and 41);

section 45 (application for reference as to recognition of sole bargaining agent);

section 47(4) (extension of reference under section 46);

section 49 (application for ballot as to recognition of sole bargaining agent);

section 51 (withdrawal of recognition of sole bargaining agent);

section 112 (declaration with respect to collective agreement).

Institution of proceedings

5. An application to which this Part of these Rules applies shall be made by serving on the court notice in writing in, or substantially in accordance with, the appropriate form in Part A of the Schedule to these Rules.

Service and publication of notice of application

6.—(1) On receipt of a notice under rule 5, the proper officer shall seal the notice with the court's seal and shall serve a sealed copy on the applicant and (subject to paragraph (2) of this rule) on any other person considered by the court to be a proper party to the proceedings, and every such person shall be a respondent to the application.

(2) In the case of an application under section 31, the applicants shall publish, in such manner as the court may direct, notice of the making of the application specifying the time appointed by the court within which any objection to the application must be made by delivering an answer in accordance with rule 8; and every person delivering an answer shall be a respondent to the application.

Respondent's answer

7. Except where notice of the application has been published in accordance with rule 6(2), the proper officer shall, as soon as practicable, notify every respondent of the date appointed by the court by which an answer to the application must be delivered.

8. A respondent who desires to oppose the application (including, in the case of an application under section 112, a respondent seeking a declaration different from that sought by the applicant) shall, within the time appointed under rule 7, deliver to the court an answer in writing setting out the grounds of his opposition and the proper officer shall serve copies of the answer on every other party to the proceedings.

Disposal of application

9. If all parties to the proceedings have concurred in, or consented to, the application, or if no answer is delivered under rule 8, the court may, if it thinks fit, dispose of the application without a hearing.

10. Except where the court disposes of the application under rule 9, the proper officer shall, as soon as practicable, give to every party to the proceedings notice of the arrangements made by the court for hearing the application and shall notify every such party of the date appointed by the court by which any interlocutory application may be made.

11. The court may, if it thinks fit, dispose of an application to which this Part of these Rules relates without an oral hearing, notwithstanding that the application is opposed, but the court shall not do so unless either—

(*a*) all parties to the proceedings consent; or

(*b*) any party desiring an oral hearing has been given an opportunity of applying to the court for one and the court is satisfied that no injustice would be caused if the application were disposed of without an oral hearing.

Order on report of Commission

12.—(1) Where the court receives from the Commission a report under any of the provisions mentioned in paragraph (2) of this rule, it shall before making any order under any of those provisions—

(*a*) serve on every party to the original application a copy of the proposed order; and

(*b*) give every such party an opportunity of making representations as to the terms of the proposed order.

(2) The provisions referred to in paragraph (1) of this rule are:

section 13(3) (effect of ballot as to agency shop agreement);

section 15(3) (effect of ballot on continuance of agency shop agreement);
section 50 (effect of ballot as to recognition of sole bargaining agent);
section 53(1) (effect of ballot as to withdrawal of recognition as sole bargaining agent);
Schedule 1, paragraph 7(2) (initial application for approved closed shop agreement);
Schedule 1, paragraph 14 (effect of ballot on approved closed shop agreement);
Schedule 1, paragraph 20 (effect of ballot on continuance of approved closed shop agreement).

PART III

APPLICATIONS TO THE COURT IN RESPECT OF REGISTRATION OF TRADE UNIONS, EMPLOYERS' ASSOCIATIONS AND OTHER ORGANISATIONS

Application of Part III

13. This Part of these Rules applies to applications to the court under—
section 76 (application as to approval of rules);
section 77 (application for cancellation of registration on other grounds).

Institution of proceedings

14. An application to which this Part of these Rules applies shall (without prejudice to rule 17(2)) be made by serving on the court notice in writing in, or substantially in accordance with, the appropriate form in Part B of the Schedule to these Rules.

Service of notice of application

15. On receipt of a notice under rule 14, the proper officer shall seal the notice with the court's seal and shall serve a sealed copy on the applicant and on the organisation of workers or employers to which the application relates (or, in the case of an application under section 76(3), on the registrar) and that organisation (or, in the case of an application under section 76(3), the registrar) shall be the respondent to the application.

Respondent's answer

16. The proper officer shall, as soon as practicable, notify the respondent of the date appointed by the court by which an answer to the application must be delivered.

17.—(1) A respondent who desires to oppose the application shall, within the time appointed under rule 16, deliver to the court an answer in writing setting out the grounds of his opposition and the proper officer shall serve a copy of the answer on the applicant.

(2) The respondent to an application made by the registrar under section 76(1) may include in his answer an application for an order under section 76(3) and in that event these Rules shall apply to the answer as they apply to an application under this Part of these Rules.

Disposal of application

18.—(1) If the respondent consents to the application, or fails to deliver an answer within the time appointed under rule 16, the court may, if it thinks fit, make the order applied for without a hearing.

(2) In any other case the proper officer shall, as soon as practicable, give to the parties notice of the arrangements made by the court for the hearing of the application and shall notify them of the date appointed by the court by which any interlocutory application may be made.

PART IV

COMPLAINTS TO THE COURT IN RESPECT OF UNFAIR INDUSTRIAL PRACTICES AND OTHER MATTERS

Application of Part IV

19.—(1) This Part of these Rules applies to complaints presented to the court under—

section 101(1) (complaint of unfair industrial practice);

section 102 (complaint by trade union of breach of duty under section 13(1) or section 56);

section 103 (complaint by registrar in consequence of application under section 81);

section 104 (complaint by registrar in consequence of investigation under section 83);

section 110(4) (complaint of failure to supply statement under section 57 as ordered by industrial tribunal).

(2) For the purpose of this Part of these Rules, a complaint transferred to the court from an industrial tribunal under section 111(1) shall, subject to rule 27, be treated as having been presented to the court.

Institution of proceedings

20. A complaint to which this Part of these Rules applies shall be presented by serving on the court notice in writing in, or substantially in accordance with, the appropriate form in Part C of the Schedule to these Rules.

21.—(1) Paragraph 25(1) of Schedule 3 (which provides for a six months' time limit for presenting certain complaints) shall have effect, in relation to complaints fulfilling the condition set out in paragraph (2) of this rule, as if for the period of six months there were substituted a period of four weeks.

(2) The condition referred to in paragraph (1) of this rule is that the complaint is of an unfair industrial practice in respect of which the complainant could have presented a complaint to an industrial tribunal under section 107.

Service of notice of complaint

22. On receipt of a notice under rule 20, the proper officer shall seal the notice with the court's seal and shall serve a sealed copy of the notice on the complainant and on any person from whom any relief is claimed (and on any other person considered by the court to be a proper party to the proceedings) and every such person shall be a respondent to the complaint.

Respondent's answer

23. The proper officer shall, as soon as practicable, notify every respondent of the date appointed by the court by which an answer to the complaint must be delivered.

24. A respondent who desires to answer a complaint shall, within the time appointed under rule 23, deliver to the court an answer in writing containing his reply to the complaint and the proper officer shall serve a copy of the answer on every other party to the proceedings.

Disposal of complaint

25. The proper officer shall, as soon as practicable, give to every party to the proceedings notice of the arrangements made by the court for hearing the complaint and shall notify every such party of the date appointed by the court by which any interlocutory application may be made.

Transfer of complaint from industrial tribunal to court

26. Rules 53 to 56 shall apply to an application for a direction transferring to the court a complaint presented to an industrial tribunal, subject to the following modifications—

(*a*) for the purpose of the service of copies of the notice of application the parties to the proceedings before the tribunal shall be treated as parties to the application to the court; and

(*b*) the proper officer shall inform the Secretary of Industrial Tribunals of the making of the application.

27.—(1) Where a complaint presented to an industrial tribunal has been transferred to the court either in pursuance of a direction under section 111(1)(*a*) or by the tribunal under section 111(1)(*b*), the court shall (subject to paragraph (3) of this rule) give such consequential directions for the continuation of the proceedings before the court as it may think fit and the foregoing provisions of this Part of these Rules shall apply accordingly.

(2) Without prejudice to rule 52, a respondent to a complaint transferred to the court who desires, in pursuance of section 119, to claim contribution from a third party in respect of any compensation he may be ordered to pay to the complainant, may apply, by giving notice in accordance with rule 53, for the third party to be joined in the proceedings, and in that event the proper officer shall serve on the third party a copy of the notice of application and these Rules shall, subject to the necessary modifications, apply as if the third party were a respondent to a complaint presented by the respondent by whom the application is made.

(3) If, in the case of a complaint transferred to the court under section 111(1)(*b*), the court decides to transfer the complaint back to the tribunal, the proper officer shall send to the Secretary of Industrial Tribunals a copy of the order of the court transferring the complaint back, together with any documents required by the tribunal for the continuation of the proceedings.

PART V

APPEALS TO THE COURT

Application of Part V

28. This Part of these Rules applies to—

appeals under section 114 (appeal from industrial tribunal on questions of law);

appeals under section 115(1) (appeals against certain orders and decisions of registrar);

applications under section 115(2) (statement of case by registrar for opinion of court);

and "appeal" and "appellant" shall be construed accordingly.

Institution of appeal

29. An appeal to which this Part of these Rules applies shall be instituted by serving on the court, within the time allowed under rule 30, notice in writing in, or substantially in accordance with, the appropriate form in Part D of the Schedule to these Rules, together with a copy of the decision or order appealed from or, as the case may be, the case stated by the registrar for the opinion of the court.

Time for appealing

30. A notice under rule 29 shall be served within 42 days of the date on which the document recording the decision or order appealed from or, as the case may be, containing the case signed by the registrar, was sent to the appellant.

Service of notice of appeal

31. On receipt of a notice under rule 29, the proper officer shall seal the notice with the court's seal and shall serve a sealed copy on the appellant and on—

(*a*) every person who, in accordance with rule 32, is a respondent to the appeal; and

(*b*) in the case of an appeal from an industrial tribunal, the Secretary of Industrial Tribunals.

Respondents to appeals

32. The respondents to an appeal shall be—

(*a*) in the case of an appeal from an industrial tribunal, or from an order of the registrar under section 3(2) of the Trade Union Act 1913(**a**), or under section 4(8) of the Trade Union (Amalgamations, etc.) Act 1964(**b**), the parties (other than the appellant) to the proceedings before the tribunal or the registrar;

(*b*) in the case of an appeal against a decision of the registrar under section 4 or 5 of the Trade Union Act 1913 or under section 68, 72, 75(1), 85 or 93(1) of the Act, the registrar.

Respondent's answer

33. The proper officer shall, as soon as practicable, notify every respondent of the date appointed by the court by which any notice under rule 34 must be delivered.

(**a**) 2 & 3 Geo. 5. c. 30. (**b**) 1964 c. 24.

34.—(1) Subject to paragraph (2) of this rule, a respondent who wishes to resist an appeal shall, within the time appointed under rule 33, deliver to the court notice in writing setting out the grounds on which he relies and the proper officer shall serve a copy of the notice on every other party to the proceedings.

(2) A respondent to an appeal referred to in rule 32(*a*) shall not be required to set out, in any notice delivered by him under paragraph (1) of this rule, any ground which is the same as a ground relied on by the industrial tribunal, or, as the case may be, the registrar, for making the decision or order appealed from.

(3) A respondent who wishes to cross-appeal may do so by including in a notice delivered under paragraph (1) of this rule a statement of the grounds of his cross-appeal.

Disposal of appeal

35. The proper officer shall, as soon as practicable, give to every party to the proceedings (and, in the case of an appeal from an industrial tribunal, the Secretary of Industrial Tribunals) notice of the arrangements made by the court for hearing the appeal and shall notify every such party (and, where appropriate, the Secretary of Industrial Tribunals) of the date appointed by the court within which any interlocutory application may be made.

PART VI

Emergency Procedures

Application of Part VI

36. This Part of these Rules applies to applications under—

section 138 (application with a view to discontinuing or deferring industrial action);

section 140 (supplementary provisions where order made under section 139);

section 141 (application for order for ballot relating to industrial action);

section 143 (provisions pending result of ballot ordered under section 142);

section 145 (supplementary provisions as to conduct and result of ballot).

Institution of proceedings

37.—(1) Subject to paragraph (2) of this rule and to rule 41, where the Secretary of State wishes to make an application to which this Part of these Rules applies, he shall do so by serving on the court notice in writing in, or substantially in accordance with, the appropriate form in Part E of the Schedule to these Rules.

(2) If the urgency of the situation so requires, the Secretary of State may give notice under this rule in some other form, whether or not in writing, but in that event he shall, as soon as practicable after doing so, deliver to the court particulars in writing of the persons required under section 138(3), 140(3), 141(3) or 143(4), as the case may be, to be specified in the application, as well as of the terms of the order sought and of the facts and matters relied on in support of the application, including, in the case of an application under section 141, particulars of any consultations undertaken in pursuance of subsection (4) of that section.

(3) Where any persons are required to be specified by the Secretary of State under any of the provisions of the Act mentioned in paragraph (2) of this rule, those persons shall be respondents to the application.

38. On receipt of a notice of application under rule 37, the proper officer shall forthwith take such steps as may be appropriate (whether by sending a copy of the notice, or communicating its purport by telephone or otherwise) to inform every respondent of the substance of the application and of the nature of the order sought by the Secretary of State and of the arrangements made by the court for hearing the application.

39. A respondent who intends to oppose the application shall give to the court such notice (whether or not in writing) as may be practicable of his intention and of his grounds of opposition.

40. If the court does not finally dispose of the application at the first hearing, it shall give such directions as it thinks fit for the future conduct of the proceedings and may for this purpose make such interlocutory orders as may appear to it to be appropriate.

41. Rules 54 and 55 shall apply to an application under section 145(2) for the determination by the court of a question as to the way in which an order of the court for a ballot under section 142 is to be interpreted or applied:

Provided that the application shall not be disposed of otherwise than by the full court, sitting (subject to rule 66) in public.

PART VII

Review of Ballot

Application of Part VII

42. This Part of these Rules applies to proceedings for a review, under section 160, of a ballot taken by the Commission or some other body.

Persons entitled to apply for review

43. Without prejudice to rule 49(3), the persons entitled to institute proceedings to which this Part of these Rules applies by making an application to the court for that purpose are—

(*a*) the Secretary of State;

(*b*) a party to the proceedings leading to the taking of the ballot in question;

(*c*) the Commission and, if the ballot was taken by some other body, that body, and

(*d*) a person who—

(i) in the case of proceedings relating to an agency shop or approved closed shop agreement, is a worker to whom that agreement applies or would apply if the ballot had been favourable to the agreement (or its continuance) and if, in the case of an agency shop agreement, that person's employer had complied with his duty under section 13(1); or

(ii) in the case of a ballot relating to the recognition of a sole bargaining agent, is an employee comprised in the relevant bargaining unit or who would be so comprised if the ballot had been favourable to recognition or its continuance.

Institution of proceedings

44. Without prejudice to rule 49, an application for a review to which this Part of these Rules applies shall be made by serving on the court, not later than 28 days from the date on which the result of the ballot was reported to the court, notice in writing in, or substantially in accordance with, form 31 in Part F of the Schedule to these Rules.

Service of notice of application

45. On receipt of a notice under rule 44, the proper officer shall seal the notice with the court's seal and shall serve a sealed copy on the applicant and on every person, other than the applicant, falling within rule 43(*a*), (*b*) and (*c*), and every such person shall be a respondent to the application.

Respondent's answer

46. The proper officer shall, as soon as practicable, notify every respondent of the date appointed by the court by which an answer to the application must be delivered.

47. A respondent who desires to oppose the application shall, within the time appointed under rule 46, deliver to the court an answer in writing setting out the grounds of his opposition (including, where relevant, any amendment to the Commission's report which he desires the court to make) and the proper officer shall serve a copy of the answer on every other party to the proceedings.

Disposal of application

48.—(1) If no respondent opposes the application by delivering an answer within the time appointed under rule 46, the court may, if it thinks fit, make the order applied for, or such other order as it is empowered to make under section 160, without a hearing.

(2) In any other case the proper officer shall, as soon as practicable, give to every party to the proceedings notice of the arrangements made by the court for hearing the application and shall notify every such party of the date by which any interlocutory application may be made.

Institution of proceedings by court

49.—(1) Notwithstanding that no application for the review of a ballot has been made to the court under rule 44, the court may, subject to the following provisions of this rule, of its own motion institute proceedings for such a review by serving on the persons falling within rule 43 (*b*) and (*c*) notice in writing in, or substantially in accordance with, form 32 in Part F of the Schedule to these Rules.

(2) Before serving notice under paragraph (1) of this rule, the court shall afford to the Commission (and, if the ballot was taken by some other body, to that body) an opportunity of making such explanation, or giving to the court such additional information, as it may desire.

(3) Proceedings instituted by the court under this rule shall be conducted as if the persons served with notice under paragraph (1) of this rule were respondents (or, if the court so directs, as if one of those persons were an applicant and the others were respondents) to an application under this Part of these Rules and the relevant provisions of these Rules shall, subject to the necessary modifications, apply accordingly.

PART VIII

GENERAL

Application of Part VIII

50. This Part of these Rules applies to all proceedings before the court.

Allocation of proceedings

51. Any proceedings before the court may be dealt with at the central office or at such other office of the court as the court may from time to time direct.

Joinder of parties

52. The court may. on the application of any person or of its own motion, direct that any person not already a party to proceedings be added as a party, or that any party to proceedings shall cease to be a party, and in either case may give such consequential directions as it considers necessary.

Interlocutory applications

53.—(1) Without prejudice to rule 57, an interlocutory application may be made by giving notice in writing to the court, specifying the direction or order sought.

(2) On receipt of a notice under paragraph (1) of this rule, the proper officer shall serve a copy on every other party to the proceedings who appears to him to be concerned in the matter to which the notice relates and shall notify the applicant and every such party of the arrangements made by the court for disposing of the application.

54. Except where the President or a judge, whether generally or in any particular case, otherwise directs, every interlocutory application shall be considered by a judge who may—

(*a*) dispose of it himself; or

(*b*) refer it in whole or in part to the full court; or

(*c*) refer it in whole or in part to the secretary;

and references in these Rules to the court shall be construed accordingly.

55.—(1) Where an application is disposed of by the secretary in pursuance of rule 54, any party aggrieved by his decision may appeal to a judge and in that case the judge may determine the appeal himself or refer it in whole or in part to the full court.

(2) Notice of appeal under paragraph (1) of this rule may be given to the court, either orally or in writing, within three days of the decision appealed from and the proper officer shall notify every other party who appears to him to be concerned in the appeal and shall inform every such party and the appellant of the arrangements made by the court for disposing of the appeal.

56. For the hearing of any interlocutory application or appeal, the court may sit either in private or in open court.

Directions

57.—(1) Where it appears to the court that the future conduct of any proceedings would thereby be facilitated, the court may (either of its own motion or on application) at any stage of the proceedings appoint a date for the giving of directions as to their future conduct and thereupon the following provisions of this rule shall apply.

(2) The proper officer shall give to every party to the proceedings notice of the date appointed under paragraph (1) of this rule and any party applying for directions shall, if practicable, before that date give to the court particulars of any direction for which he asks.

(3) The proper officer shall take such steps as may be practicable to inform every party of any directions applied for by any other party.

(4) On the date appointed under paragraph (1) of this rule, the court shall consider any application for directions made by any party and any written representations relating thereto submitted to the court and shall give such directions as it thinks fit for the purpose of securing the just, expeditious and economical disposal of the proceedings, including, where appropriate, directions in pursuance of rule 71 for the purpose of ensuring that the parties are enabled to avail themselves of opportunities for conciliation.

(5) Without prejudice to the generality of paragraph (4) of this rule, the court may give such directions as it thinks fit as to—

(*a*) the amendment of any notice, answer or other document;

(*b*) the giving of further and better particulars or in Scotland the further specification of any notice, answer or other document;

(*c*) the delivery of interrogatories or in Scotland the answering of any statement of facts;

(*d*) the admission of any facts or documents;

(*e*) the discovery or further discovery of any documents;

(*f*) the admission in evidence of any documents;

(*g*) the mode in which evidence is to be given at the hearing;

(*h*) the disposal of a preliminary point of law;

(*i*) the consolidation of the proceedings with any other proceedings pending before the court;

(*j*) the place and date of the hearing.

(6) An application for further directions, or for a variation of any directions already given, may be made in accordance with rule 53.

58. Without prejudice to rule 57, the court may, at any stage of the proceedings, of its own motion give any party to those proceedings directions as to any steps to be taken by him in relation thereto.

Interim orders

59.—(1) Subject to paragraph (2) of this rule, the court may, on the application of any party, make, as an interim order, any order which under the Act it could make as a final order in the proceedings.

(2) Before making an interim order under paragraph (1) of this rule, the court shall take all reasonable steps to secure that notice, whether or not in writing, of the application for the interim order has been given to the person against whom it is sought and that he is given an opportunity of making representations to the court in regard to it.

Notice to admit documents and facts

60.—(1) Any party may, not less than 14 days before the date fixed for the hearing, serve notice on any other party requiring him to admit (saving all just exceptions) the authenticity of any document specified in the notice, and unless that other party, within seven days of service of the notice upon him,

gives notice to the first party requiring the document to be proved at the hearing, he shall be deemed, unless the court otherwise directs, to have admitted its authenticity.

(2) Any party may, not less than 14 days before the date fixed for the hearing, give to any other party notice to admit, for the purposes of the proceedings, any facts specified in the notice, and the court shall, in exercising its discretion as to making an order for costs or expenses under rule 69, take into consideration any unreasonable failure to admit, or delay in admitting, such facts.

Discovery of documents

61. A party to proceedings may apply to the court for an order directing any other party to make discovery or further discovery, either on oath or otherwise, of the documents relating to the proceedings which are or have been in his possession or power (or, as may be appropriate, for a commission and diligence for the recovery of documents), and on the hearing of the application the court may make such order, either generally or limited to certain classes of documents or to particular documents, as it thinks fit, including an order for the production or inspection of any documents.

Interrogatories

62.—(1) A party to proceedings may apply to the court for an order on any other party requiring him to answer interrogatories (or, as may be appropriate, a statement of facts) within such time as the court may direct.

(2) On being served with notice of an application for an order to answer interrogatories or a statement of facts, the court may give such directions as it thinks fit for the submission to the court and service on any other party of the interrogatories or statement before the hearing of the application.

(3) A body corporate or an unincorporated association shall answer any interrogatories or statement of facts by its director, manager, secretary or other officer.

Default by parties

63. If a respondent to any proceedings fails to deliver an answer (or notice of intention to resist an appeal) within the time appointed under these Rules, or if any party to proceedings fails to comply with an order or direction of the court, the court may order that he be debarred from taking any further part in those proceedings (except for the purpose of being heard on any application for discovery or recovery of documents, or the answering of interrogatories or a statement of facts, or the payment of costs or expenses by him), or may make such other order as the court thinks just.

Attendance of witnesses and production of documents

64.—(1) The court may, on the application of any party, order any person to attend before the court as a witness or to produce any document.

(2) No person to whom an order is directed under paragraph (1) of this rule shall be treated as having failed to obey that order unless at the time at which the order was served on him there was tendered to him a sufficient sum of money to cover his costs of attending before the court.

Oaths

65. The court may, either of its own motion or on application, require any evidence to be given on oath.

Oral hearings

66.—(1) Subject to paragraph (2) of this rule, an oral hearing at which any proceedings before the court are finally disposed of shall take place in public before such members of the court as (subject to paragraph 17 of Schedule 3) the President may nominate for the purpose.

(2) The court may sit in private to hear evidence which in the opinion of the court—

(*a*) 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

(*b*) is likely to consist (wholly or in part) of information which—

(i) the person giving the evidence could not disclose without contravening a prohibition imposed by or under an enactment; or

(ii) has been communicated to that person in confidence or which he has otherwise obtained in consequence of the confidence reposed in him by another person; or

(iii) relates specifically to an individual, unless he has consented to its being disclosed; or

(iv) is information the disclosure of which would be seriously prejudicial to the national interest (though not against national security), or to the interests of an undertaking of the person giving the evidence for reasons other than its effect on collective bargaining; or

(v) has been obtained by the person giving the evidence for the purpose of bringing, prosecuting or defending any legal proceedings.

Drawing up and enforcement of orders

67.—(1) Every order of the court shall be drawn up by the proper officer and a copy, sealed with the seal of the court, shall be served by the proper officer on every party to the proceedings to which it relates and, in the case of an order disposing of an appeal from an industrial tribunal, on the Secretary of Industrial Tribunals.

(2) The court shall, on the application of any party made within 14 days of the decision in question, give its reasons in writing for making an order finally disposing of any proceedings, unless such order was made after the delivery of a reasoned judgment.

(3) Subject to any order made by the Court of Appeal or Court of Session, and to any directions given by the court, an appeal from the court shall not suspend the enforcement of any order made by it.

Review of court's decisions and correction of errors

68.—(1) The court may, either of its own motion or on application, review any order made by it and may, on such a review, revoke or vary that order on the grounds that—

(*a*) the order was wrongly made as the result of an error on the part of the court staff;

(*b*) a party did not receive proper notice of the proceedings leading to the order;

(*c*) the order was made in the absence of a party entitled to be heard;

(*d*) new evidence has become available since the making of the order; or

(*e*) the interests of justice require such review.

(2) An application under paragraph (1) above shall be made within 14 days of the date of the order.

(3) A clerical mistake or error in any order arising from an accidental slip or omission may at any time be corrected by, or on the authority of, a judge.

Costs

69.—(1) Where it appears to the court that any person has been guilty of unreasonable delay, or of taking improper, vexatious or unnecessary steps in any proceedings, or of other unreasonable conduct, the court may make an order for costs or expenses against him.

(2) Where an order is made under paragraph (1) of this rule, the court may direct that the party against whom the order is made shall pay to any other party a lump sum by way of costs or expenses, or such proportion of the costs or expenses as may be just, and in the last mentioned case may itself assess the sum to be paid, or may direct that it be assessed by the proper officer, from whose decision an appeal shall lie to a judge.

(3) Rules 55 and 56 shall apply to an appeal under paragraph (2) of this rule.

Service of documents

70.—(1) Any notice or other document required or authorised by these Rules to be served on, or delivered to, any person may be sent to him by post to his address for service or, where no address for service has been given, to his registered office, principal place of business or last known address, and any notice or other document required or authorised to be served on, or delivered to, the court may be sent by post or delivered to the proper officer—

(*a*) in the case of a notice instituting proceedings (including an application under rule 26), at the central office of the court or at any other office of the court in England and Wales or in Scotland; or

(*b*) in any other case, at the office of the court in which the proceedings in question are being dealt with in accordance with rule 51.

(2) A document served by post shall be assumed, in the absence of evidence to the contrary, to have been delivered in the normal course of post.

(3) The court may inform itself in such manner as it thinks fit of the posting of any document by an officer of the court.

(4) Any notice or other document required or authorised to be served on, or delivered to, an unincorporated body may be sent to its secretary, manager or other similar officer.

(5) The court may direct that service of any document be dispensed with or be effected otherwise than in the manner prescribed by these Rules.

Conciliation

71. In exercising its powers under these Rules, the court shall, whether by adjourning any proceedings or otherwise, use its best endeavours to ensure that,

in any case in which it appears to the court that there is a reasonable prospect of agreement being reached between the parties, they are enabled to avail themselves of the services of conciliation officers or of other opportunities for conciliation.

Time

72. The time prescribed by these Rules or by order of the court for doing any act may be extended (whether it has already expired or not) or abridged, and the date appointed for any purpose may be altered, by order of the court.

Court Offices

73. The offices of the court shall be open at such times as the President may direct.

74. Where the last day for the doing of any act falls on a day on which the appropriate office of the court is closed and by reason thereof the act cannot be done on that day, it may be done on the next day on which that office is open.

Non-compliance with, and waiver of, rules

75.—(1) Failure to comply with any requirements of these Rules shall not invalidate any proceedings unless the court otherwise directs.

(2) The court may, if it considers that to do so would lead to the more expeditious or economical disposal of any proceedings, or would otherwise be desirable in the interests of justice, dispense with the taking of any step required or authorised by these Rules, or may direct that any such step be taken in some manner other than that prescribed by these Rules.

Dated 1st November 1971.

Hailsham of St. Marylebone, C.

SCHEDULE

PART A

FORM 1 Rule 5

National Industrial Relations Court

WORKER'S NOTICE OF APPLICATION UNDER SECTION 7(2) FOR ORDER DECLARING PRE-ENTRY CLOSED SHOP AGREEMENT TO BE VOID

1. This application is made by [*name and address of applicant*].

2. Any communication for the applicant relating to this application may be sent to [*applicant's address for service, including telephone number, if any*].

3. The applicant has been refused engagement by [*name and address of employer*], such refusal being [wholly] [in part] attributable to [*here give particulars of the provision complained of in the relevant agreement, including the names and addresses of the parties to the agreement*].

4. The applicant desires the court to make an order declaring that the provision referred to in paragraph 3 above is void.

5. The grounds on which the application is made are:
[*here summarise the facts and matters relied on in support of the application*].

Date *Signed*

FORM 2 Rule 5

National Industrial Relations Court

TRADE UNION'S OR NEGOTIATING PANEL'S NOTICE OF APPLICATION UNDER SECTION 11(2) FOR BALLOT ON AGENCY SHOP AGREEMENT

1. This application is made by [the joint negotiating panel for] the following trade union(s):
[*name(s) and address(es) of trade union(s) concerned*].

2. Any communication for the applicant(s) relating to this application may be sent to [*address(es) for service of applicant(s), including telephone number(s), if any*].

3. The employer concerned is [*name and address of employer*].

4. The applicant(s) [desires] [desire] a ballot to be taken under section 12 of the Industrial Relations Act 1971 on the question whether an agency shop agreement should be made between the parties, and in respect of the workers, specified below:
[*here state name(s) of trade union(s) who would be parties with the employer to the proposed agreement and specify the description(s) of workers to whom it would apply*].

5. The grounds on which the application is made are:
[*here summarise the facts and matters relied on in support of the application*].

Date *Signed*

FORM 3 Rule 5

National Industrial Relations Court

EMPLOYER'S NOTICE OF APPLICATION UNDER SECTION 11(2) FOR BALLOT ON AGENCY SHOP AGREEMENT

1. This application is made by [*name and address of employer*] as employer.

2. Any communication for the applicant relating to this application may be sent to [*applicant's address for service, including telephone number, if any*].

3. [The joint negotiating panel for] the following trade union(s) [is] [are] concerned:
[*name(s) and address(es) of* [*panel and*] *trade union(s) concerned*].

4. The applicant desires a ballot to be taken under section 12 of the Industrial Relations Act 1971 on the question whether, contrary to the applicant's wishes, an agency shop agreement should be made in respect of the workers specified below:
[*here state name(s) of trade union(s) who would be parties with the employer to the proposed agreement and specify the description(s) of workers to whom it would apply*].

5. The grounds on which the application is made are:
[*here summarise the facts and matters relied on in support of the application*].

Date *Signed*

FORM 4 Rule 5

National Industrial Relations Court

NOTICE OF APPLICATION UNDER SECTION 14(1) FOR BALLOT ON CONTINUANCE OF AGENCY SHOP AGREEMENT

1. This application is made by [*name and address of applicant*] who is employed as a [*description of applicant's work*] by [*name and address of employer*].

2. Any communication for the applicant relating to this application may be sent to [*applicant's address for service, including telephone number, if any*].

3. An agency shop agreement now in force between [*names of those who are parties to the agreement*] applies to the applicant. The particulars of the agreement are:

[*here give brief particulars of the agreement, specifying the description(s) and number of workers to whom it applies and the date on which it was made*].

4. The applicant desires a ballot to be taken on the question whether the agreement should continue.

5. The written concurrence of [*here state number of workers concurring in the application*] workers [is attached to this notice] [has been obtained].

Date *Signed*

FORM 5 Rule 5

National Industrial Relations Court

NOTICE OF INITIAL APPLICATION UNDER PARAGRAPH 1 OF SCHEDULE 1 FOR APPROVAL OF CLOSED SHOP AGREEMENT

1. This application is made by [*names and addresses of employer(s), trade union(s), employers' association(s) and other organisation(s) joining in making application*].

2. Any communication for the applicants relating to this application may be sent to [*addresses for service of applicants, including telephone numbers, if any*].

3. The applicants desire the court to approve a closed shop agreement in accordance with the proposals embodied in the accompanying draft.

4. The grounds on which the application is made are:

[*here summarise the facts and matters relied on in support of the application*].

Date *Signed*

FORM 6 Rule 5

National Industrial Relations Court

NOTICE OF APPLICATION UNDER PARAGRAPH 9 OR 16 OF SCHEDULE 1 FOR BALLOT AS TO APPROVAL OR CONTINUANCE OF CLOSED SHOP AGREEMENT

1. This application is made by [*name and address of applicant*] who is employed as a [*description of applicant's work*] by [*name and address of applicant's employer*].

2. Any communication for the applicant relating to this application may be sent to [*applicant's address for service, including telephone number, if any*].

3. The applicant desires the court to request the Commission on Industrial Relations to arrange for a ballot to be taken on the question whether the closed shop agreement referred to in paragraph 4 below should be [made] [continued].

4. The agreement in question is the subject of an order of the court, made on [*date of order under paragraph* 7(2), 8(1) *or* 14, *as the case may be, of Schedule 1 to the Industrial Relations Act* 1971], the [proposed] parties to which are [*names of persons who are parties to the agreement or would be parties to it if it were made*].

5. The [proposed] agreement [would apply] [applies] to [*state number of relevant workers*] workers.

6. The written concurrence of [*state number of relevant workers concurring in application*] workers [is attached to this notice] [has been obtained].

Date *Signed*

FORM 7 Rule 5

National Industrial Relations Court

NOTICE OF APPLICATION UNDER SECTION 31(1) FOR PROCEDURE AGREEMENT DESIGNATION ORDER

1. This application is made by [*names and addresses of all parties to relevant procedure agreement*].

2. Any communication for the applicants relating to this application may be sent to [*addresses for service of applicants, including telephone numbers, if any*].

3. The applicants desire the court to make an order under section 31 of the Industrial Relations Act 1971 designating, for the purposes of that section, the agreement referred to in paragraph 4 below.

4. The agreement in question (a copy of which accompanies this notice) has been made between the applicants in the following circumstances:

[*here state the circumstances in which agreement was made*].

5. The facts and matters relied on by the applicants as satisfying the requirements of section 31(2) of the Industrial Relations Act 1971 are as follows:

[*here summarise the facts and matters relied on in support of the application*].

6. The written concurrence in this application of all parties to the agreement is attached to this notice.

Date *Signed*

FORM 8 Rule 5

National Industrial Relations Court

NOTICE OF APPLICATION UNDER SECTION 32 FOR REVOCATION OF PROCEDURE AGREEMENT DESIGNATION ORDER

1. This application is made by [*name(s) and address(es) of applicant(s)*].

2. Any communication for the applicant(s) relating to this application may be sent to [*address(es) for service of applicant(s), including telephone number(s), if any*].

3. The applicant(s) [desires] [desire] the court to revoke the order made on [*date of order under section 31*] designating the agreement referred to in paragraph 4 below for the purpose of section 31 of the Industrial Relations Act 1971.

4. The agreement in question is:
[*here give particulars identifying the agreement*].

5. The parties to the agreement other than the applicant(s) are [*names and addresses of any other parties*].

6. The grounds on which the application is made are:
[*here summarise the facts and matters relied on in support of the application*].

7.(1) The written concurrence in this application of all parties to the agreement is attached to this notice.

Date *Signed*

(1) Delete if not applicable.

FORM 9 Rule 5

National Industrial Relations Court

NOTICE OF APPLICATION UNDER SECTION 37(1) FOR REMEDIAL ACTION WHERE PROCEDURE AGREEMENT DOES NOT EXIST OR IS DEFECTIVE

1. This application is made by [*name(s) and address(es) of applicant(s)*].

2. Any communication for the applicant(s) relating to this application may be sent to [*address(es) for service of applicant(s), including telephone number(s), if any*].

3. The unit of employment to which this application relates is [*description of relevant unit of employment*].

4. The trade union(s) recognised by the employer as having negotiating rights in relation to the unit of employment [is] [are] [*name(s) of trade union(s) concerned*].

5.(1) The employer and [*name(s) of trade union(s)* [*party*] [*parties*] *to the relevant procedure agreement*] are parties to the following procedure agreement:
[*here give particulars of relevant agreement*].

6.(2) The applicant(s) [has] [have] given to the Secretary of State notice of [his] [their] proposal to make the application and a copy of that notice is attached.

7. The applicant(s) [desires] [desire] the court to refer to the Commission on Industrial Relations the following question:
[*here set out question which it is desired to have referred to the Commission*].

8. The grounds on which this application is made are:
[*here summarise the facts and matters relied on in support of the application*].

Date *Signed*

(1) Delete if no procedure agreement is in existence.
(2) Delete if application is made by the Secretary of State.

FORM 10 Rule 5

National Industrial Relations Court

NOTICE OF APPLICATION UNDER SECTION 38(3) FOR CONSIDERATION OF PROPOSALS OF COMMISSION ON INDUSTRIAL RELATIONS FOR EXTENSION OF REFERENCE UNDER SECTION 37 RELATING TO PROCEDURE AGREEMENT

1. This application is made by [*name and address of applicant*].

2. Any communication for the applicant relating to this application may be sent to [*applicant's address for service, including telephone number, if any*].

3. The applicant desires the court to consider the following proposals made by the Commission:

[*here give particulars of the proposals of the Commission to which the application relates*].

4. The applicant is affected by the Commission's proposals in that [*state the respects in which the applicant is affected*].

5. The applicant desires the court to [*here state the action in relation to the Commission's proposals which the applicant desires the court to take*].

6. The grounds on which this application is made are:

[*here summarise the facts and matters relied on in support of the application*].

Date *Signed*

FORM 11 Rule 5

National Industrial Relations Court

NOTICE OF APPLICATION UNDER SECTION 41 FOR ORDER ON REPORT OF COMMISSION ON INDUSTRIAL RELATIONS UNDER SECTION 40

1. This application is made by [*name and address of applicant*].

2. Any communication for the applicant relating to this application may be sent to [*applicant's address for service, including telephone number, if any*].

3. The applicant desires the court to make an order directing that from [*proposed date of commencement*] the provisions referred to in paragraph 4 below shall have effect as a legally enforceable contract between [*here specify the parties on whom it is proposed that the contract should be binding*] and applying to [*here describe the unit of employment to which it is proposed the provisions are to apply*].

4. The provisions in question are:

[*here set out the provisions recommended by the Commission*].

Date *Signed*

FORM 12 Rule 5

National Industrial Relations Court

NOTICE OF APPLICATION UNDER SECTION 42(2) TO REVOKE OR VARY ORDER MADE UNDER SECTION 41

1. This application is made jointly by all the parties specified in the order referred to in paragraph 4 below.

2. The names and addresses of the applicants are [*names and addresses of applicants*].

3. Any communication for the applicants relating to this application may be sent to [*applicants' addresses for service, including telephone numbers, if any*].

4. The applicants desire the court to [revoke] [vary] the order [*here give particulars identifying the order made under section 41 which it is desired to revoke or vary*].

5.(1) The respects in which it is desired that the order referred to above should be varied are:

[*here give particulars of the variations sought*].

Date *Signed*

(1) Delete if not applicable.

FORM 13 Rule 5

National Industrial Relations Court

NOTICE OF APPLICATION UNDER SECTION 42(3) TO REVOKE ORDER UNDER SECTION 41

1. This application is made by [*name and address of applicant*].

2. Any communication for the applicant relating to this application may be sent to [*applicant's address for service, including telephone number, if any*].

3. The applicant desires the court to revoke the order [*here give particulars identifying the order under section* 41 *of the Industrial Relations Act* 1971 *which it is desired to revoke*] on the grounds that it is no longer necessary, because

[*here summarise the facts and matters relied on in support of the application*].

4. The parties, other than the applicant, specified in the order referred to in paragraph 3 above are:

[*names and addresses of other parties*].

Date *Signed*

FORM 14 Rule 5

National Industrial Relations Court

NOTICE OF APPLICATION UNDER SECTION 45(1) FOR REFERENCE TO COMMISSION ON INDUSTRIAL RELATIONS OF QUESTIONS AS TO RECOGNITION OF SOLE BARGAINING AGENT

1. This application is made by [*name(s) and address(es) of applicant(s)*].

2. Any communication for the applicant(s) relating to this application may be sent to [*address(es) for service of applicant(s), including telephone number(s), if any*].

3. This application relates to the employees of [*name(s) and address(es) of employer(s) concerned*], and the [other] trade union(s) concerned are [*here give name(s) and address(es) of trade union(s) concerned other than the applicant(s) (if trade union(s))*].

4. The applicant(s) [desires] [desire] the court to refer to the Commission the following questions:

[*here set out questions which it is desired that the court should refer to the Commission*].

5.(1) The applicant(s) [has] [have] given the Secretary of State notice of [his] [their] proposal to make this application and a copy of the notice is attached.

6. The grounds on which the application is made are:

[*here summarise the facts and matters relied on in support of the application*].

Date *Signed*

(1) Delete in case of application made by the Secretary of State.

FORM 15 Rule 5

National Industrial Relations Court

NOTICE OF APPLICATION UNDER SECTION 47(4) FOR CONSIDERATION OF PROPOSALS OF COMMISSION ON INDUSTRIAL RELATIONS FOR EXTENSION OF REFERENCE UNDER SECTION 46 RELATING TO RECOGNITION OF SOLE BARGAINING AGENT

1. This application is made by [*name and address of applicant*].

2. Any communication for the applicant relating to this application may be sent to [*applicant's address for service, including telephone number, if any*].

3. The applicant desires the court to consider the following proposals made by the Commission:

[*here give particulars identifying the proposals of the Commission to which the application relates*].

4. The applicant is affected by the Commission's proposals in that [*here state respects in which applicant is affected*].

5. The applicant desires the court to [*here state the action in relation to the Commission's proposals which the applicant desires the court to take*].

6. The grounds on which this application is made are:

[*here summarise the facts and matters relied on in support of the application*].

Date *Signed*

FORM 16 Rule 5

National Industrial Relations Court

NOTICE OF APPLICATION UNDER SECTION 49(1) FOR BALLOT AS TO RECOGNITION OF SOLE BARGAINING AGENT

1. This application is made by [*name(s) and address(es) of applicant(s)*].

2. Any communication for the applicant(s) relating to this application may be sent to [*address(es) for service of applicant(s), including telephone number(s), if any*].

3. This application relates to the report made on [*date of report*] by the Commission on Industrial Relations, recommending that [*here give particulars of Commission's recommendation for recognition of sole bargaining agent on which it is desired that a ballot be taken*].

4. The applicant(s) [desires] [desire] a ballot to be taken under section 49 of the Industrial Relations Act 1971 on the question whether the recommendation referred to in paragraph 3 above should be made binding.

5. The grounds on which the application is made are:

[*here summarise the facts and matters relied on in support of the application*].

Date *Signed*

FORM 17 Rule 5

National Industrial Relations Court

NOTICE OF APPLICATION UNDER SECTION 51(1) FOR BALLOT AS TO WITHDRAWAL OF RECOGNITION OF SOLE BARGAINING AGENT

1. This application is made by [*applicant's name and address.*]

2. Any communication for the applicant relating to this application may be sent to [*applicant's address for service, including telephone number, if any*].

3. The applicant is employed by [*name and address of employer*] and is comprised in [*here specify bargaining unit in which applicant claims to be comprised*], comprising in all [*here state number of employees comprised in the bargaining unit*].

4. The employer [recognises] [is required by an order of the court made on [*date of order*] to recognise], as sole bargaining agent for the unit referred to in paragraph 3 above, the [*name of organisation of workers or joint negotiating panel recognised or required to be recognised by employer*].

5. The applicant desires the court to request the Commission on Industrial Relations to arrange for a ballot to be held on the question whether the [*name of organisation of workers or joint negotiating panel*] should cease to be the sole bargaining agent for the [*description of bargaining unit or section of bargaining unit concerned*].

6. The grounds on which the application is made are:

[*here summarise the facts and matters relied on in support of the application*].

7. The written concurrence in this application of [*here state number of employees*] employees comprised in the [*description of bargaining unit*] [is attached] [has been obtained].

Date *Signed*

FORM 18 Rule 5

National Industrial Relations Court

NOTICE OF APPLICATION UNDER SECTION 112 FOR DECLARATION WITH RESPECT TO QUESTION RELATING TO COLLECTIVE AGREEMENT

1. This application is made by [*applicant's name and address*].

2. Any communication for the applicant relating to this application may be sent to [*applicant's address for service, including telephone number, if any*].

3. The applicant and [*name(s) and address(es) of other [party] [parties] to the collective agreement to which the application relates*] are parties to:

[*here give particulars of collective agreement*].

4. The applicant desires the court to make a declaration with respect to the following question(s):

[*here set out each question in respect of which a declaration is sought and the provisions of the collective agreement to which the question relates*].

5. [A statement of the facts by reason of which the question(s) set out above [arises] [arise] is attached to this notice.]

Or

[The facts by reason of which the question(s) set out above [arises] [arise] are:

[*here set out the facts by reason of which it is claimed that each question set out in paragraph 4 arises*].].

6. The applicant desires the court to make a declaration to the following effect:

[*here set out the applicant's contentions as to the proper answer to each question to which the application refers*].

Date *Signed*

PART B

FORM 19 Rule 14

National Industrial Relations Court

REGISTRAR'S NOTICE OF APPLICATION UNDER SECTION 76(1) OR SECTION 77(1) FOR CANCELLATION OF REGISTRATION OF ORGANISATION AS TRADE UNION OR EMPLOYERS' ASSOCIATION OR FOR CANCELLATION OF ENTRY IN SPECIAL REGISTER

1. This application is made by the Registrar of Trade Unions and Employers' Associations and any communication to the registrar relating to the application may be sent to [*registrar's address for service, including telephone number*].

2. This application is made under section [76(1)] [77(1)] of the Industrial Relations Act 1971 for the cancellation of the [registration] [entry] of [*name and address of organisation concerned*] [as a trade union] [as an employers' association] [in the special register].

3. The [*name of organisation*] was [registered as a [trade union] [employers' association]] [entered in the special register] on [*date of registration or entry*].

4. The grounds on which the application is made are:

[*here summarise the facts and matters relied on in support of the application*].

Date *Signed*

FORM 20 Rule 14

National Industrial Relations Court

NOTICE OF APPLICATION UNDER SECTION 76(3) BY TRADE UNION, EMPLOYERS' ASSOCIATION OR ORGANISATION ENTERED IN SPECIAL REGISTER FOR ORDER AS TO APPROVAL OF RULES

1. This application is made by [*name and address of applicant*].

2. Any communication for the applicant relating to this application may be sent to [*applicant's address for service, including telephone number, if any*].

3. The applicant was [registered [as a trade union] [as an employers' association]] [entered in the special register] and submitted its rules to the registrar on [*date*] and

[*here give particulars of any notice served by the registrar under section* 75(1) *of the Industrial Relations Act* 1971].

4. The applicant seeks the following relief:

[*here set out the order which the court is desired to make under section* 76(3)(*a*) *or* (*b*) *of the Act*].

5. The grounds on which the application is made are:

[*here summarise the facts and matters relied on in support of the application*].

Date *Signed*

PART C

FORM 21 Rule 20

National Industrial Relations Court

NOTICE OF COMPLAINT OF UNFAIR INDUSTRIAL PRACTICE PRESENTED UNDER SECTION 101(1)

1. This complaint is presented by [*name and address of complainant*].

2. Any communication for the complainant relating to this complaint may be sent to [*complainant's address for service, including telephone number, if any*].

3. The name(s) and address(es) of the [organisation(s)] [person(s)] against whom the complaint is made are [*name(s) and address(es) of proposed respondent(s)*].

4. The grounds on which this complaint is presented are:
[*here summarise the facts and matters relied on in support of the complaint*].

5. The complainant is seeking the following relief:
[*here specify, in relation to each proposed respondent, the relief under section* 101(3) *(as extended or modified, if appropriate, by section* 105(3) *or* (5)) *of the Industrial Relations Act 1971 sought by the complainant*].

Date *Signed*

FORM 22 Rule 20

National Industrial Relations Court

TRADE UNION'S NOTICE OF COMPLAINT OF EMPLOYER'S BREACH OF DUTY, PRESENTED UNDER SECTION 102(1)

1. This complaint is presented by [*name and address of trade union presenting complaint*].

2. Any communication for the complainant relating to this complaint may be sent to [*complainant's address for service, including telephone number, if any*].

3. The complaint relates to a breach of duty under [section 13(1)] [section 56] of the Industrial Relations Act 1971 on the part of [*name and address of employer concerned*].

4. The grounds on which the complaint is presented are:
[*here summarise the facts and matters relied on in support of the complaint*].

5. The complainant is seeking the following relief:
[*here specify the relief under section* 102(2) *of the Act sought by the complainant*].

Date *Signed*

FORM 23 Rule 20

National Industrial Relations Court

REGISTRAR'S NOTICE OF COMPLAINT UNDER SECTION 103 IN CONSEQUENCE OF APPLICATION UNDER SECTION 81

1. This complaint is presented by the Registrar of Trade Unions and Employers' Associations.

2. Any communication for the registrar relating to this complaint may be sent to [*registrar's address for service, including telephone number*].

3. The [trade union] [employers' association] against which this complaint is made is [*name and address of trade union or employers' association alleged to be in default*].

4. The original application to the registrar under section 81 was made by [*name and address of original applicant*].

5. The grounds on which the complaint is presented are:

[*here summarise the facts and matters relied on in support of the complaint*].

6. The registrar is seeking the following relief:

[*here specify the remedies under section* 103(3) *sought by the registrar for the original applicant*].

Date *Signed*

FORM 24 Rule 20

National Industrial Relations Court

REGISTRAR'S NOTICE OF COMPLAINT UNDER SECTION 104 IN CONSEQUENCE OF INVESTIGATION UNDER SECTION 83

1. This complaint is presented by the Registrar of Trade Unions and Employers' Associations.

2. Any communication for the registrar relating to this complaint may be sent to [*registrar's address for service, including telephone number*].

3. The organisation against which this complaint is made is [*name and address of trade union, employers' association or other organisation alleged to be in default*].

4. The grounds on which this complaint is presented are:

[*here summarise the facts and matters relied on in support of the complaint*].

5. The registrar is seeking the following relief:

[*here specify the action which it is desired that the court should, under section* 104(2), *order the respondent to take*].

Date *Signed*

FORM 25 Rule 20

National Industrial Relations Court

NOTICE OF COMPLAINT UNDER SECTION 110(4) OF EMPLOYER'S FAILURE TO ISSUE STATEMENT IN ACCORDANCE WITH ORDER OF INDUSTRIAL TRIBUNAL

1. This complaint is presented by [*name and address of complainant*].

2. Any communication for the complainant relating to this complaint may be sent to [*complainant's address for service, including telephone number, if any*].

3. This complaint relates to the failure of [*name and address of employer concerned*] to issue to the complainant a statement in accordance with the complainant's rights as determined by [*here give particulars of the relevant order of the industrial tribunal*].

4. The grounds on which the complaint is presented are:
[*here summarise the facts and matters relied on in support of the complaint*].

5. The complainant is seeking the following relief:
[*here specify the relief sought by the complainant*].

Date *Signed*

PART D

FORM 26 Rule 29

National Industrial Relations Court

NOTICE OF APPEAL UNDER SECTION 114(1) FROM DECISION OF INDUSTRIAL TRIBUNAL

1. The appellant is [*name and address of appellant*].

2. Any communication relating to this appeal may be sent to the appellant at [*appellant's address for service, including telephone number, if any*].

3. The appellant appeals from
[*here give particulars of the decision of the industrial tribunal from which the appeal is brought*]
on the following question of law:
[*here set out the question of law on which the appeal is brought*].

4. The parties to the proceedings before the industrial tribunal, other than the appellant, were [*names and addresses of other parties to proceedings resulting in decision appealed from*].

5. The appellant's grounds of appeal are:
[*here state the grounds of appeal*].

6. A copy of the industrial tribunal's decision is attached to this notice.

Date *Signed*

FORM 27 Rule 29

National Industrial Relations Court

NOTICE OF APPEAL UNDER SECTION 115(1) AGAINST ORDER OR DECISION OF REGISTRAR

1. The appellant is [*name and address of appellant*].

2. Any communication relating to this appeal may be sent to the appellant at [*appellant's address for service, including telephone number, if any*].

3. The appellant appeals from:

[*here give particulars of the order or decision of the Registrar of Trade Unions and Employers' Associations from which the appeal is brought*].

4. The appellant's grounds of appeal are:

[*here state the grounds of appeal*].

5. A copy of the registrar's [order] [decision] is attached to this notice.

Date *Signed*

FORM 28 Rule 29

National Industrial Relations Court

NOTICE OF APPLICATION UNDER SECTION 115(2) TO CONSIDER CASE STATED BY REGISTRAR UNDER TRADE UNION (AMALGAMATIONS, ETC.) ACT 1964

1. The applicant is [*name and address of applicant*].

2. Any communication relating to this application may be sent to the applicant at [*applicant's address for service, including telephone number, if any*].

3. The applicant desires the court to consider the case (which is attached to this notice) stated by the Registrar of Trade Unions and Employers' Associations under section 4(8) of the Trade Union (Amalgamations, etc.) Act 1964.

4. The parties to the proceedings before the registrar, other than the applicant, were [*names and addresses of parties to proceedings before registrar*].

5. The applicant's contentions are:

[*here set out the applicant's contentions on the statement of case*].

Date *Signed*

PART E

FORM 29 Rule 37

National Industrial Relations Court

SECRETARY OF STATE'S NOTICE OF APPLICATION UNDER SECTION 138(1) OR SECTION 141(1) FOR EMERGENCY ORDER

1. This application is made by the Secretary of State under [section 138(1)] [section 141(1)] of the Industrial Relations Act 1971 and any communication for the Secretary of State relating to it may be sent to him at [*Secretary of State's address for service, including telephone number of office dealing with the application*].

2. The condition(s) specified in [section 138(2)] [section 141(2)] of the Industrial Relations Act 1971 [is][are] fulfilled in that the industrial action to which this application relates [has caused] [have caused] [would cause] [*here set out the relevant matters mentioned in section* 138(2) *or* 141(2)].

3. The particulars required under section [138(3)] [141(3)] of the Industrial Relations Act 1971 are:

[*here specify the persons alleged to be responsible for calling, instituting, organising, procuring or financing the strike, lock-out or other action to which the application relates, stating the part alleged to be played by each*].

4. The Secretary of State desires the court to make an order for [*here set out terms of order for which Secretary of State is applying*].

5. The grounds on which the application is made are:

[*here summarise the facts and matters relied on in support of the application* [*including, in the case of an application under section* 141(1), *any relevant consultations held by the Secretary of State with any employer, trade union, or employers' association party to the dispute in question*]],

Date *Signed*

FORM 30 Rule 37

National Industrial Relations Court

SECRETARY OF STATE'S NOTICE OF APPLICATION UNDER SECTION 140(2) OR (3), OR SECTION 143(4), FOR EXTENSION OF EMERGENCY ORDER

1. This application is made by the Secretary of State under [section 140(2)] [section 140(3)] [section 143(4)] of the Industrial Relations Act 1971 and any communication for the Secretary of State relating to it may be sent to him at [*Secretary of State's address for service, including telephone number of office dealing with the application*].

2. The Secretary of State desires the court to extend the order made on [*here give particulars identifying the principal order*] by

[*here give particulars of the extension sought, including, where relevant, the additional persons to whom it is desired that the principal order should extend and the part alleged to be played by each such person specified in calling, instituting, organising, procuring or financing the strike, lock-out or other action to which the principal order relates*].

3. The grounds on which the application is made are:

[*here summarise the facts and matters relied on in support of the application*].

Date *Signed*

PART F

FORM 31 Rule 44

National Industrial Relations Court

NOTICE OF APPLICATION UNDER SECTION 160 FOR REVIEW OF BALLOT

1. This application is made by [*name and address of applicant*].

2. Any communication relating to this application may be sent to the applicant at [*applicant's address for service, including telephone number, if any*].

3. This application relates to the ballot which was the subject of the report [*here give particulars of the report of the Commission on Industrial Relations*].

4. The parties to the proceedings leading to the taking of the ballot referred to in paragraph 3 above were [the applicant and] [*names and addresses of parties to the original proceedings, other than the applicant*].

5.(1) The applicant is entitled, under rule 43(*d*) of the Industrial Court Rules 1971, to make this application as being [*here state the circumstances bringing the applicant within rule* 43(*d*)].

6. The applicant desires the court to:

[*here set out the relief sought by the applicant, specifying any amendment to the report which the applicant desires the court to make*].

7. The grounds on which the application is made are:

[*here summarise the facts and matters relied on in support of the application*].

Date *Signed*

(1) Delete if the application is made by the Secretary of State, or by a party to the original proceedings leading to the ballot in question, or by the Commission on Industrial Relations, or by any other body which took the ballot.

FORM 32 Rule 49

National Industrial Relations Court

NOTICE OF COURT'S DECISION TO CONSIDER ORDER UNDER SECTION 160 FOR REVIEW OF BALLOT

1. The National Industrial Relations Court has decided to institute proceedings with a view to making an order under section 160 of the Industrial Relations Act 1971 for the review of the ballot which was the subject of the report [*here give particulars of report of Commission on Industrial Relations*].

2. The grounds on which the court has so decided are:

[*statement of court's grounds for instituting proceedings*].

3. Any person served with this notice who wishes to be heard by the court on the question of whether such an order should be made or, if so, what that order should be, must deliver an answer to the court [*here set out court's directions for delivery of respondents' answers*].

Date *Signed*

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules prescribe the procedure to be followed in proceedings before the National Industrial Relations Court.

Part II provides for applications relating to the rights of workers and collective bargaining. Anyone who receives from the court a notice of the application will be a respondent and may deliver an answer within the time fixed. If no answer is delivered, or if the parties consent, the court may dispose of the application without an oral hearing. Under rule 11 the court may also dispense with an oral hearing if, after anyone who desires an oral hearing has been given an opportunity of asking for one, the court is satisfied that no injustice will be caused. Where the application results in a report to the court from the Commission on Industrial Relations on which the court is required to make an order, the court will, under rule 12, give the parties an opportunity to make representations on the terms of the proposed order.

Part III makes corresponding provisions for applications relating to the registration of trade unions, employers' associations and other organisations. Part IV prescribes the procedure on complaints in respect of unfair industrial practices and other matters. The court will serve notice of the complaint on every person from whom relief is claimed and he may deliver and answer within the time fixed. Rules 26 and 27 provide for the transfer to the court of any complaint presented to an industrial tribunal. Part V deals with appeals from industrial tribunals and from the Registrar of Trade Unions and Employers' Associations.

Part VI deals with emergency procedures. Rule 37 enables the Secretary of State to make an application to the court, which, in urgent cases, need not be in writing. All persons required by the Act to be specified in the Secretary of State's application will be respondents and will be informed by the court forthwith of the making of the application and will be able to give notice of opposition, which need not necessarily be in writing.

Part VII prescribes the procedure on application for review of a ballot. If the application is unopposed, the court may dispose of it without a hearing. Under rule 49, the court may itself institute proceedings for a review notwithstanding that no application has been made.

Part VIII contains general provisions. Rule 51 enables proceedings to be dealt with at such office of the court as it may direct. Rules 53 to 58 provide for the making of interlocutory applications and the giving of directions by the court. Rule 59 deals with interim orders and requires the court, before making such an order, to take reasonable steps to ensure that any person against whom the order is sought has been given an opportunity of making representations.

Rule 66 prescribes the circumstances in which the court may sit in private for the hearing of evidence. Rule 68 enables the court to review a decision if an application for that purpose is made within 14 days. Rule 71 requires the court to use its best endeavours to ensure, where appropriate, that the parties to proceedings before it are enabled to take advantage of facilities for conciliation. Rule 73 provides for the offices of the court being open at such times as the President may direct.