STATUTORY INSTRUMENTS

1974 No. 1387

INDUSTRIAL TRIBUNALS

The Industrial Tribunals (Labour Relations) (Scotland) Regulations 1974

Made - - - -	*13th August* 1974
Laid before Parliament	*22nd August* 1974
Coming into Operation	*16th September* 1974

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 after consultation with the Council on Tribunals hereby makes the following Regulations:—

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Industrial Tribunals (Labour Relations) (Scotland) Regulations 1974 and shall come into operation on 16th September 1974.

(2) The Industrial Tribunals (Industrial Relations, etc.) (Scotland) Regulations 1972**(b)** shall cease to have effect except in relation to proceedings instituted before that date, or, as the case may be, instituted after that date where the effective date of termination falls before the commencement of Schedule 1 to the 1974 Act.

Interpretation

2.—(1) The Interpretation Act 1889**(c)** shall apply to these Regulations as it applies to an Act of Parliament as if these Regulations and the Regulations hereby revoked were Acts of Parliament.

(2) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

"the 1946 Act" means the Dock Workers (Regulation of Employment) Act 1946**(d)**;

"the 1965 Act" means the Redundancy Payments Act 1965**(e)** as amended by the Redundancy Rebates Act 1969**(f)** and the 1974 Act;

"the 1966 Act" means the Docks and Harbours Act 1966**(g)**;

"the 1974 Act" means the Trade Union and Labour Relations Act 1974;

(a) 1974 c. 52.
(b) S.I. 1972/39 (1972 I, p. 102).
(c) 1889 c. 63.
(d) 1946 c. 22.
(e) 1965 c. 62.
(f) 1969 c. 8.
(g) 1966 c. 28.

"applicant" means a person who in pursuance of Rule 1 has sent an application to the Secretary of the Tribunals for a decision of a tribunal and includes:—

(*a*) the Secretary of State, the Board or a licensing authority,

(*b*) a claimant or complainant,

(*c*) in the case of proceedings under section 51 of the 1966 Act, a person on whose behalf the application referred to in Rule 1 has been sent by a trade union, and

(*d*) in relation to interlocutory applications under these Rules, a person who seeks any relief;

"the Board" means the National Dock Labour Board or any other body for the time being constituted or prescribed under the 1946 Act to be responsible for the administration of any labour scheme;

"the clerk to the tribunal" means the person appointed by the Secretary of the Tribunals or an Assistant Secretary to act in that capacity at one or more hearings;

"decision" in relation to a tribunal includes a declaration, an order (other than an interlocutory order), a recommendation or an award of the tribunal;

"enactment" means any Act or any instrument made under an Act as amended or extended by or under any other enactment;

"hearing" means a sitting of a tribunal duly constituted for the purpose of receiving evidence, hearing addresses and witnesses or doing anything lawfully requisite to enable the tribunal to reach a decision on any question;

"labour scheme" means a scheme for the time being in force under the 1946 Act;

"licensing authority" means a body having the function of issuing licences under the 1966 Act;

"nominated chairman" means a member of the panel of chairmen for the time being nominated by the President;

"the Office of the Tribunals" means the Central Office of the Industrial Tribunals (Scotland);

"the panel of chairmen" means the panel of persons, being advocates or solicitors of not less than seven years' standing, appointed by the Lord President of the Court of Session in pursuance of Regulation 5(2) of the Industrial Tribunals (Scotland) Regulations 1965(**a**), as amended(**b**);

"party" in relation to proceedings under section 51 of the 1966 Act means the applicant and the Board or the licensing authority with which or (as the case may be) any person with whom it appears to the applicant that he is in dispute about a question to which that section applies and, in a case where such a question is referred to a tribunal by a sheriff, any party to the proceedings before the court in which the question arose;

"person entitled to appear" in relation to proceedings under section 51 of the 1966 Act means a party and any person who, under subsection (5) of that section, is entitled to appear and be heard before a tribunal in such proceedings;

"the President" means the President of the Industrial Tribunals (Scotland)

(**a**) S.I. 1965/1157 (1965 II, p. 3266).
(**b**) The relevant amending instrument is S.I. 1967/302 (1967 I, p. 1050).

or the person nominated by the Lord President of the Court of Session to discharge for the time being the functions of the President;

"Register" means the Register of Applications and Decisions kept in pursuance of these Regulations;

"respondent" means a party to the proceedings before a tribunal other than the applicant, and other than the Secretary of State in proceedings under the 1965 Act in which he is not cited as the person against whom relief is sought;

"Rule" means a Rule of Procedure contained in the Schedule to these Regulations;

"the Secretary of the Tribunals" and "an Assistant Secretary of the Tribunals" mean respectively the persons for the time being acting as the Secretary, or as an Assistant Secretary, of the Office of the Tribunals;

"tribunal" means an industrial tribunal (Scotland) established in pursuance of the Industrial Tribunals (Scotland) Regulations 1965, as amended, and in relation to any proceedings means the tribunal to which the proceedings have been referred by the President or by a nominated chairman.

Proceedings of tribunals

3. Except where separate Rules of Procedure, made under the provisions of any enactment, are applicable the Rules of Procedure contained in the Schedule to these Regulations shall have effect in relation to all proceedings before a tribunal where:—

(*a*) the respondent or one of the respondents resides or carries on business in Scotland; or

(*b*) the proceedings relate to a contract of employment the place of execution or performance of which is in Scotland; or

(*c*) the proceedings are to determine a question which has been referred to the tribunal by a sheriff in Scotland; or

(*d*) in proceedings under the 1966 Act they are in relation to a port in Scotland.

Proof of decisions of tribunals

4. The production in any proceedings in any court of a document purporting to be certified by the Secretary of the Tribunals to be a true copy of an entry of a decision in the Register shall, unless the contrary is proved, be sufficient evidence of the document and of the facts stated therein.

13th August 1974.

Michael Foot,

Secretary of State for Employment.

Regulation 3

SCHEDULE

RULES OF PROCEDURE

Application

1.—(1) Proceedings for the determination of any matter by a tribunal shall be instituted by the applicant (or in a matter falling under sub-paragraph (*d*) of this paragraph, by a sheriff) sending to the Secretary of the Tribunals an application which shall be in writing and shall set out:—

(*a*) the name and address of the applicant; and

(*b*) the names and addresses of the person or persons against whom relief is sought or of the parties to the proceedings before a sheriff (as the case may be); and

(*c*) the grounds on which that relief is sought; or

(*d*) the question for determination under section 51 of the 1966 Act and, except where the question is referred by a sheriff, the grounds on which relief is sought.

(2) Where the Secretary of the Tribunals is of the opinion that the application does not seek or on the facts stated therein cannot entitle the applicant to a relief which a tribunal has power to give, he may give notice to that effect to the applicant stating the reasons for his opinion and informing him that the application will not be registered unless he states in writing that he wishes to proceed with it.

(3) An application as respects which a notice has been given in pursuance of the preceding paragraph shall not be treated as having been received for the purposes of Rule 2 unless the applicant intimates in writing to the Secretary of the Tribunals that he wishes to proceed with it; and upon receipt of such an intimation the Secretary of the Tribunals shall proceed in accordance with that Rule.

(4) Where the applicant does not intimate to the Secretary of the Tribunals that he wishes to proceed with the application, the non-registration of the application shall be without prejudice to any right of the applicant to make a further application to a tribunal.

Action upon receipt of application

2.—(1) Upon receiving the application referred to in Rule 1 the Secretary of the Tribunals shall enter particulars of it in the Register and shall forthwith send a copy of it to the respondent (and, where appropriate, to the Board and the licensing authority for the port in question) and inform the parties in writing of the case number of the application entered in the Register (which shall thereafter constitute the title of the proceedings) and of the address to which notices and other communications to the Secretary of the Tribunals shall be sent. Every copy of the application sent by the Secretary of the Tribunals under this paragraph shall be accompanied by a written notice which shall include information, as appropriate to the case, about the means and time for entering an appearance, the consequences of failure to do so, and the right to receive a copy of the decision. The Secretary of the Tribunals shall also notify the parties that in all cases under the provisions of any enactment providing for conciliation the services of a conciliation officer are available to them.

(2) In proceedings falling under the 1965 Act, the Secretary of the Tribunals shall forthwith send copies of all documents and notices to the Secretary of State notwithstanding the fact that he may not be a party to such proceedings.

(3) In relation to proceedings under section 51 of the 1966 Act, the Secretary of the Tribunals shall forthwith send copies of all documents and notices to the Board and the licensing authority for the port in question (but not to either of them which is the applicant).

(4) In all cases under the provisions of any enactment providing for conciliation, the Secretary of the Tribunals shall forthwith send copies of all documents and notices to a conciliation officer who in the opinion of the Secretary is an appropriate officer to receive them.

Appearance by respondent

3.—(1) A respondent shall within 14 days of receiving the copy application referred to in Rule 1 enter an appearance to the proceedings by sending to the Secretary of the Tribunals a written notice of appearance setting out his full name and address and stating whether or not he intends to resist the application and, if so, on what grounds. Upon receipt of a notice of appearance the Secretary of the Tribunals shall forthwith send a copy of it to any other party.

(2) A respondent who has not entered an appearance shall not be entitled to take any part in the proceedings except—

(i) to apply under Rule 12(1) for an extension of the time appointed by this Rule for entering an appearance;

(ii) to be called as a witness by another person;

(iii) to be sent a copy of a decision or specification of reasons or corrected decision or specification in pursuance of Rules 8(3), 8(7) or 9(5); and

(iv) to make an application under Rule 9(1)(*b*), and accordingly (without prejudice to the generality of this provision) he shall not be entitled—

(*a*) to make an application under Rule 4;

(*b*) to submit representations in writing for consideration by the tribunal in pursuance of Rule 6(3);

(*c*) to be heard or to be represented at the hearing in pursuance of Rule 7;

(*d*) to apply for directions in pursuance of Rule 12(2) or to receive a notice in pursuance of Rule 12(4); or

(*e*) to make an application under Rule 9, except under paragraph (1)(*b*) of that Rule.

(3) A notice of appearance which is sent to the Secretary of the Tribunals after the time appointed by this Rule for entering appearance shall be deemed to include an application under Rule 12(1) (by the respondent who has sent the notice of appearance) for an extension of the time so appointed. Without prejudice to Rule 12(4), if the tribunal grants the application (which it may do notwithstanding that the grounds of the application are not stated) the Secretary of the Tribunals shall forthwith send a copy of the notice of appearance to any other party. The tribunal shall not refuse an extension of time under this Rule unless it has given the person wishing to enter an appearance an opportunity to show cause why the extension should be granted.

Power to require further particulars and attendance of witnesses and to order recovery of documents

4.—(1) Subject to Rule 3(2), a tribunal may on the application of a party to the proceedings (or, where appropriate, of the Board, the licensing authority for the port in question or the Secretary of State (whether or not a party)) made either by notice to the Secretary of the Tribunals or at the hearing of the application referred to in Rule 1—

(*a*) require a party or the Board or the said licensing authority to furnish in writing to the person making the application further particulars of the grounds on which he or it relies and of any facts and contentions relevant thereto;

(*b*) grant to the person or the Board or the said licensing authority making the application such a commission and diligence for the recovery or inspection of documents as might be granted by a sheriff; and

(*c*) require the attendance of any person (including a party to the proceedings) as a witness or require the production of any document relating to the matter to be determined, wherever such witness may be within Great Britain;

and may appoint the time at or within which or the place at which any act required in pursuance of this Rule is to be done.

(2) A party on whom a requirement has been made under paragraph (1)(*b*) of this Rule on an *ex parte* application and a person on whom a requirement has been made

under paragraph (1)(*c*) thereof may apply to the tribunal to vary or set aside the requirement.

(3) No such application to vary or set aside shall be entertained in a case where a time has been appointed under paragraph (1) of this Rule in relation to the requirement unless it is made before the time or, as the case may be, expiration of the time so appointed. Notice of the application in accordance with Rule 11(3) shall be given to the party on whose application the requirement was made.

(4) Every document containing a requirement under paragraph (1)(*b*) or paragraph (1)(*c*) of this Rule shall contain a reference to the fact that under paragraph 21(6) of Part III of Schedule 1 to the 1974 Act any person who without reasonable excuse fails to comply with any such requirement shall be liable on summary conviction to a fine not exceeding £100.

(5) If the requirement under paragraph (1)(*a*) of this Rule is not complied with, a tribunal, before or at the hearing, may dismiss the application, or, as the case may be, strike out the whole or part of the notice of appearance, and, where appropriate, direct that a respondent shall be debarred from defending altogether.

Time and place of hearing and appointment of assessor

5.—(1) The President or a nominated chairman shall fix the date, time and place of the hearing of the application referred to in Rule 1 and the Secretary of the Tribunals shall not less than 14 days (or such shorter time as may be agreed by him with the parties) before the date so fixed (subject to Rule 3(2)) send to each party a notice of hearing which shall include information and guidance as to attendance at the hearing, witnesses and the bringing of documents (if any), representation by another person and written representations.

(2) In any proceedings under the 1966 Act in which the President or a nominated chairman so directs, the Secretary of the Tribunals shall also take such of the following steps as may be so directed, namely—

(*a*) publish in one or more newspapers circulating in the locality in which the port in question is situated notice of the hearing;

(*b*) send notice of the hearing to such persons as may be directed;

(*c*) post notices of the hearing in a conspicuous place or conspicuous places in or near to the port in question,

but the requirement as to the period of notice contained in the foregoing paragraph of this Rule shall not apply to any such notices.

(3) Where in the case of any proceedings it is provided for one or more assessors to be appointed the President or a nominated chairman may, if he thinks fit, appoint a person or persons having special knowledge or experience in relation to the subject matter of the application referred to in Rule 1 to sit with the tribunal as assessor or assessors.

The hearing

6.—(1) Any hearing of or in connection with the application referred to in Rule 1 shall take place in public unless in the opinion of the tribunal a private hearing is appropriate for the purpose of hearing evidence which 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 be seriously prejudicial to the in-

terests of any undertaking of his or any undertaking in which he works for reasons other than its effect on negotiations with respect to any of the matters mentioned in section 28(1) of the 1974 Act.

(2) In cases to which the foregoing provisions of this Rule apply, a member of the Council on Tribunals or of its Scottish Committee shall be entitled to attend the hearing in his capacity as such member.

(3) Subject to Rule 3(2), if a party shall desire to submit representations in writing for consideration by a tribunal at the hearing of the application referred to in Rule 1 that party shall send such representations to the Secretary of the Tribunals not less than 7 days before the hearing and shall at the same time send a copy of it to the other party or parties (and, where appropriate, to the Board, the licensing authority for the port in question or the Secretary of State (if not parties)).

(4) Where a party has failed to attend or be represented at the hearing (whether or not he has sent any written representations) the contents of his application referred to in Rule 1 or, as the case may be, of his entry of appearance may be treated by a tribunal as representations in writing.

(5) The Secretary of State if he so elects shall be entitled to appear and be heard at any hearing of or in connection with an application referred to in Rule 1 in proceedings under the 1965 Act in which he is not cited as the person against whom relief is sought.

(6) Subject to Rule 3(2), at any hearing of or in connection with the application referred to in Rule 1 a party and any person entitled to appear may appear before the tribunal and may be heard in person or be represented by counsel or by a solicitor or by a representative of a trade union or an employers' association or by any other person whom he desires to represent him.

Procedure at hearing

7.—(1) Subject to Rule 3(2), at the hearing of the application referred to in Rule 1 a party, and the Secretary of State if he is not a party and he elects to appear under Rule 6(5) and any person entitled to appear shall be entitled to make an opening statement, to give evidence, to call witnesses, to cross-examine any witnesses called by the other party (or by the Secretary of State if he is not a party) and to address the tribunal.

(2) If a party shall fail to appear or to be represented at the time and place fixed for the hearing, the tribunal may dispose of the application in the absence of that party or may adjourn the hearing to a later date: Provided that before disposing of an application in the absence of a party the tribunal shall consider any representations submitted by that party in pursuance of Rule 6(3).

(3) A tribunal may require any witness to give evidence on oath or affirmation and for that purpose there may be administered an oath or affirmation in due form.

Decision of tribunal

8.—(1) A decision of a tribunal may be taken by a majority thereof and, if the tribunal shall be constituted of two members only, the chairman shall have a second or casting vote.

(2) The decision of a tribunal shall be recorded in a document signed by the chairman which shall contain the reasons for the decision.

(3) The clerk to the tribunal shall transmit the document signed by the chairman to the Secretary of the Tribunals who shall as soon as may be enter it in the Register and shall send a copy of the entry to each of the parties and to the persons entitled to appear who did so appear and where the application referred to in Rule 1 was sent to a tribunal by a sheriff, to that sheriff.

(4) The specification of the reasons for the decision shall be omitted from the Register in any case in which evidence has been heard in private and the tribunal so directs and in that event a specification of the reasons shall be sent to the parties and

to any appellate court in any proceedings relating to such decision together with the copy of the entry.

(5) The Register shall be kept at the Office of the Tribunals and shall be open to the inspection of any person without charge at all reasonable hours.

(6) The chairman of a tribunal shall have power by certificate under his hand to correct in documents recording the tribunal's decisions clerical mistakes or errors arising therein from any accidental slip or omission.

(7) The clerk to the tribunal shall send a copy of any document so corrected and the certificate of the chairman to the Secretary of the Tribunals who shall as soon as may be make such correction as may be necessary in the Register and shall send a copy of the corrected entry or of the corrected specification of the reasons, as the case may be, to each of the parties and to the persons entitled to appear who did so appear and where the application referred to in Rule 1 was sent to a tribunal by a sheriff, to that sheriff.

(8) If any decision is—

(*a*) corrected under paragraph (6) of this Rule; or

(*b*) reviewed, revoked or varied under Rule 9; or

(*c*) altered in any way by order of an appellate court,

the Secretary of the Tribunals shall alter the entry in the Register to conform with any such certificate or order and shall send a copy of the new entry to each of the parties and to the persons entitled to appear who did so appear and where the application referred to in Rule 1 was sent to the tribunal by a sheriff, to that sheriff.

Review of tribunal's decisions

9.—(1) A tribunal shall have power to review and to revoke or vary by certificate under the chairman's hand any of its decisions on the grounds that—

(*a*) the decision was wrongly made as a result of an error on the part of the tribunal staff; or

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

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

(*d*) new evidence has become available since the making of the decision provided that its existence could not have been reasonably known of or foreseen; or

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

(2) An application for the purposes of paragraph (1) of this Rule may be made at the hearing. If the application is not made at the hearing, such application shall be made to the Secretary of the Tribunals within 14 days from the date of the entry of a decision in the Register and must be in writing stating the grounds in full.

(3) An application for the purposes of paragraph (1) of this Rule may be refused by the President or by the chairman of the tribunal which decided the case or by a nominated chairman if in his opinion it has no reasonable prospect of success.

(4) If such an application is not refused under paragraph (3) of this Rule, it shall be heard by the tribunal and if it is granted the tribunal shall either vary its decision or revoke its decision and order a re-hearing.

(5) The clerk to the tribunal shall send to the Secretary of the Tribunals the certificate of the chairman as to any revocation or variation of the tribunal's decision under this Rule. The Secretary of the Tribunals shall as soon as may be make such correction as may be necessary in the Register and shall send a copy of the entry to each of the parties and to the persons entitled to appear who did so appear and where the application referred to in Rule 1 was sent to a tribunal by a sheriff, to that sheriff.

Expenses

10.—(1) Subject to paragraphs (2) and (3) of this Rule, a tribunal shall not normally award expenses but where in its opinion a party to any proceedings (and if he is a respondent whether or not he has entered an appearance) has acted frivolously or vexatiously the tribunal may make—

(*a*) an order that that party shall pay to another party (or to the Secretary of State, where appropriate, if he is not a party) either a specified sum in respect of the expenses incurred by that other party (or, as the case may be, by the Secretary of State) or, in default of agreement, the taxed amount of those expenses;

(*b*) an order that that party shall pay to the Secretary of State a specified sum in respect of the whole, or any part, of any allowances (other than allowances paid to members of tribunals or assessors) paid by the Secretary of State under section 12(3) of the Industrial Training Act 1964(a) (as amended by section 46(5) of the 1965 Act) to any person for the purposes of, or in connection with, his attendance at the tribunal.

(2) Notwithstanding the provisions of paragraph (1) of this Rule, where on the application of a party to the proceedings the tribunal has postponed the day or time fixed for the hearing or has adjourned the hearing, the tribunal may make orders against that party or, as the case may be, in favour of that party as at (*a*) and (*b*) above as respects any expenses incurred or any allowances paid as a result of the postponement or adjournment.

(3) In any proceedings under the 1966 Act a tribunal may make—

(*a*) an order that a party, or any other person entitled to appear who did appear, shall pay to another party or such person either a specified sum in respect of the expenses incurred by that other party or person or, in default of agreement, the taxed amount of those expenses;

(*b*) an order that a party, or any other person entitled to appear who did appear, shall pay to the Secretary of State a specified sum in respect of the whole, or any part, of any allowances (other than allowances paid to members of tribunals) paid by the Secretary of State under section 12(3) of the Industrial Training Act 1964 (as amended by section 46(5) of the 1965 Act) to any person for the purposes of, or in connection with, his attendance at the tribunal.

(4) Any expenses required by an order under this Rule to be taxed may be taxed in the sheriff court according to such of the scales prescribed by the sheriff court rules for civil proceedings in the sheriff court as shall be directed by the order.

Miscellaneous powers of tribunal

11.—(1) Subject to the provisions of these Rules, a tribunal may regulate its own procedure.

(2) A tribunal may, if it thinks fit,—

(*a*) subject to Rule 4(3), extend the time appointed by these Rules for doing any act notwithstanding that the time appointed may have expired;

(*b*) postpone the day or time fixed for, or adjourn, any hearing;

(*c*) if the applicant shall at any time give notice of the withdrawal of his application referred to in Rule 1, dismiss the proceedings;

(*d*) except in proceedings under the 1966 Act, if both or all the parties (and the Secretary of State, where appropriate, if he is not a party) agree in writing upon the terms of a decision to be made by the tribunal, decide accordingly;

(*e*) at any stage of the proceedings order to be struck out or amended any application referred to in Rule 1 or notice of appearance or anything in such application or notice of appearance on the ground that it is vexatious.

(a) 1964 c. 16.

(3) A tribunal may, if it thinks fit, before granting an application under Rule 4 or Rule 12 require the party (or, where appropriate, the Board, the licensing authority for the port in question or the Secretary of State (whether or not a party)) making the application to give notice of it to the other party or parties (and, where appropriate, to the Board, the licensing authority for the port in question or the Secretary of State (whether or not a party)). The notice shall give particulars of the application and indicate the address to which and the time within which any objection to the application shall be made being an address and time specified for the purposes of the application by the tribunal.

(4) Any act other than the hearing of the application referred to in Rule 1 or the making of an order under Rule 9(1) required or authorised by these Rules to be done by a tribunal may be done by, or on the direction of, the President, the chairman of the tribunal or a nominated chairman.

(5) Rule 10 shall apply to an order dismissing proceedings under paragraph (2)(*c*) of this Rule.

(6) Any functions of the Secretary of the Tribunals other than that mentioned in Rule 1(2) may be performed by an Assistant Secretary of the Tribunals.

Extension of time and directions

12.—(1) An application to a tribunal for an extension of the time appointed by these Rules for doing any act may be made by a party (or, where appropriate, by the Board, the licensing authority for the port in question or the Secretary of State (whether or not a party)) either before or (subject to Rule 4(3)) after the expiration of any time so appointed.

(2) Subject to Rule 3(2), a party (or, where appropriate, the Board, the licensing authority for the port in question or the Secretary of State (whether or not a party)) may at any time apply to a tribunal for directions on any matter arising in connection with the proceedings.

(3) An application under the foregoing provisions of this Rule shall be made by sending to the Secretary of the Tribunals a notice of application, which shall state the title of the proceedings and shall set out the grounds of the application.

(4) Subject to Rule 3(2), the Secretary of the Tribunals shall give notice to both or all the parties of any extension of time granted under Rule 11(2)(*a*) or any directions given in pursuance of this Rule.

Joining of parties and representative proceedings

13.—(1) A tribunal may at any time upon the application of any person, whether an applicant or respondent or not, or of its own motion, direct that any person appearing to the tribunal to be directly interested in the subject of the application referred to in Rule 1 be added as a respondent, and give such consequential directions as it considers necessary.

(2) A tribunal may likewise, either upon such application or of its own motion, order that any respondent named in the application referred to in Rule 1 or subsequently added, who shall appear to the tribunal not to have been, or to have ceased to be, directly interested in the subject of the application referred to in Rule 1, be dismissed from the proceedings.

(3) Where there are numerous persons having the same interest in an application referred to in Rule 1, one or more of them may be cited as the person or persons against whom relief is sought, or may be authorised by the tribunal, before or at the hearing, to defend on behalf of all the persons so interested.

Notices, etc.

14.—(1) Any notice given under these Rules shall be in writing and all notices and documents required or authorised by these Rules to be sent or given to any person

hereinafter mentioned may be sent by post (subject to paragraph (3) of this Rule) or delivered to or at—

(*a*) in the case of a document directed to the Secretary of the Tribunals, the Office of the Tribunals or such other office as may be notified by the Secretary of the Tribunals to the parties;

(*b*) in the case of a document directed to the Secretary of State in proceedings to which he is not a party, the offices of the Department of Employment at 103 Waterloo Street, Glasgow, GR7 BY or such other office as may be notified by the Secretary of State;

(*c*) in the case of a document directed to the Board, the principal office of the Board;

(*d*) in the case of a document directed to a sheriff, the office of the sheriff clerk;

(*e*) in the case of a document directed to a party, his address for service specified in the application referred to in Rule 1 or in a notice of appearance or in a notice under paragraph (2) of this Rule or (if no address for service is so specified), his last known address or place of business in the United Kingdom or, if the party is a corporation, the corporation's registered or principal office;

(*f*) in the case of a document directed to any person (other than a person specified in the foregoing provisions of this paragraph), his address or place of business in the United Kingdom, or if such a person is a corporation, the corporation's registered or principal office;

and if sent or given to the authorised representative of a party shall be deemed to have been sent or given to that party.

(2) A party may at any time by notice to the Secretary of the Tribunals and to the other party or parties (and, where appropriate, to the Secretary of State if he is not a party or, as the case may be, to the appropriate conciliation officer) change his address for service under these Rules.

(3) Where a document or notice is not delivered, the recorded delivery service shall be used in the following circumstances—

(*a*) if under Rule 2(1) a second set of documents or notices is sent to a respondent who has not entered an appearance under Rule 3(1);

(*b*) if an order is made under Rule 4(1)(*c*).

(4) Where for any sufficient reason service of any document or notice cannot be effected in the manner prescribed under this Rule, the President or a nominated chairman may make an order for service in such manner as he may deem fit and such service shall have the same effect as service in the manner prescribed under this Rule.

(5) In relation to the matters specified in Rule 3(1), Rule 5, paragraphs (3), (4), (7) and (8) of Rule 8 and Rule 9(5), the Secretary of the Tribunals shall also send copies of all documents and notices (where appropriate) to the Secretary of State notwithstanding the fact that he may not be a party to the proceedings, or (as the case may be) to the appropriate conciliation officer.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations regulate the procedure of industrial tribunals for Scotland in relation to all proceedings instituted on or after 16th September 1974, except where

(i) under the provisions of any enactment separate Rules of Procedure are applicable, e.g., under the Industrial Training Act 1964 and the Selective Employment Payments Act 1966; and

(ii) in unfair dismissal proceedings the effective date of termination falls before 16th September 1974.

They are in place of the Industrial Tribunals (Industrial Relations, etc.) (Scotland) Regulations 1972 (S.I. 1972/39).

SI 1974/1387
ISBN 0-11-041387-3

