1967 No. 360

INDUSTRIAL TRIBUNALS

The Industrial Tribunals (Redundancy Payments) (Scotland) Regulations 1967

Made - - - -	*8th March* 1967
Laid before Parliament	*21st March* 1967
Coming into Operation	*10th April* 1967

The Minister of Labour in exercise of the powers conferred on him by section 46 of the Redundancy Payments Act 1965(a) and after consulation 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 (Redundancy Payments) (Scotland) Regulations 1967 and shall come into operation on 10th April 1967.

(2) The Industrial Tribunals (Redundancy Payments) (Scotland) Regulations 1965(b) shall cease to have effect except in relation to proceedings instituted before that date.

Interpretation

2.—(1) The Interpretation Act 1889(c) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act 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 Act" means the Redundancy Payments Act 1965;

" applicant " means a person (including the Minister) who in pursuance of Rule 1 has sent an application to the Secretary of the Tribunals for a decision of a tribunal;

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

" 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 reference;

" the Minister " means the Minister of Labour;

" 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(d);

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

(a) 1965 c. 62.
(b) S.I. 1965/2021 (1965 III, p. 5978).
(c) 1889 c. 63.
(d) S.I. 1965/1157 (1965 II, p. 3266).

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

" rebate " means a payment referred to as such in section 30 of the Act;

" the 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;

" 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 Central Office of the Industrial Tribunals (Scotland);

" tribunal " means an industrial tribunal (Scotland) established in pursuance of the Industrial Tribunals (Scotland) Regulations 1965 and in relation to any proceedings means the tribunal to which the proceedings have been referred by the President or by a member of the panel of chairmen for the time being nominated by the President for that purpose.

(3) A form referred to by number means the form so numbered in the Appendix to the Schedule to these Regulations.

Procedure of tribunals

3.—(1) The Rules of Procedure contained in the Schedule to these Regulations shall have effect in relation to proceedings to which this Regulation applies.

(2) This Regulation applies to proceedings in pursuance of references or appeals under Part I or Part II or section 40 or section 42 of the Act—

(*a*) as to the right of any person to a redundancy payment, to a payment under an agreement, or to a payment to which section 42 of the Act applies, or as to the amount of any such payment;

(*b*) as to the liability of any person to make an employer's payment, that is to say, a payment falling within paragraph (*a*), paragraph (*b*) or paragraph (*c*) of section 30(1) of the Act;

(*c*) as to the amount of the rebate payable in accordance with Schedule 5 to the Act;

(*d*) as to the amount of the sum payable in accordance with Schedule 6 to the Act; or

(*e*) against the Minister's withholding, or reducing the amount of, a rebate,

being proceedings instituted after the coming into operation of these Regulations—

(i) the respondent or one of the respondents to which is a person (other than the Minister) who resides or carries on business, or

(ii) which relate to a contract of employment the place of execution or performance of which is,

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.

8th March 1967.

R. J. Gunter,
Minister of Labour.

SCHEDULE

RULES OF PROCEDURE

Application for determination of question or appeal

1.—(1) Proceedings for the determination by a tribunal of any question or appeal shall be instituted by the applicant sending to the Secretary of the Tribunals an application which shall be substantially in accordance with such one of Forms 1 to 3 as is appropriate to the case and shall set out the grounds of the application.

(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 remedy which a tribunal has power to give, he may give notice to that effect to the applicant stating the reasons for his opinion and inviting the applicant to state in writing whether he agrees to withdraw his application or 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) The withdrawal of an application under this Rule shall be without prejudice to any right of the applicant to make a further application to a tribunal.

Registering of application

2. 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 or respondents (and to the Minister if he is not a party) and inform the applicant and the respondent or respondents (and the Minister if he is not a party) 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. The copy of the application sent by the Secretary of the Tribunals to a respondent shall be accompanied by a notice substantially in accordance with Form 4.

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 notice of appearance which shall be substantially in accordance with Form 5 stating whether 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 the other party or parties (and to the Minister if he is not a 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; and

(ii) to be sent a copy of a decision or specification of reasons or corrected decision or specification in pursuance of Rule 9(3) or 9(6),

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 notice of the date, time and place of the hearing in pursuance of Rule 5;

(*c*) to submit representations in writing for consideration by the tribunal in pursuance of Rule 6(2);

(*d*) to be heard or represented at the hearing in pursuance of Rule 7 or 8;

(*e*) to enter into a written agreement in pursuance of Rule 11(1)(*d*); or

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

(3) A notice of appearance which is sent to the Secretary of the Tribunals after the time appointed by this Rule for entering an 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 the other party or parties (and to the Minister if he is not a 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), the tribunal may on the application of a party to the proceedings (or of the Minister if he is 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 to furnish in writing to another party (and to the Minister if he is not a party) further particulars of the grounds on which he relies and of any facts and contentions relevant thereto;

(*b*) grant to a party (or to the Minister if he is not a party) such a commission and diligence for the recovery or inspection of documents as might be granted by the 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 question or appeal to be determined;

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(2) shall be given to the party on whose application the requirement was made and (if he was not that party) to the Minister.

(4) Every document containing a requirement under paragraph (1)(b) or (1)(*c*) of this Rule shall contain a reference to the fact that under section 46(4) of the Act any person who without reasonable excuse fails to comply with any such requirement is liable on summary conviction to a fine not exceeding £50 or imprisonment for a term not exceeding three months or both.

Time and place of hearing

5. The President (or a member of the panel of chairmen for the time being nominated by the President for this purpose) 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 before the date so fixed (subject to Rule 3(2)) send to each party (and to the Minister if he is not a party) a notice substantially in accordance with Form 6.

The hearing

6.—(1) Any hearing of or in connection with the application referred to in Rule 1 shall take place in public, unless the tribunal determines at the request of a party to hear the application in private, but 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.

(2) Subject to Rule 3(2), if a party shall desire to submit representations in writing for consideration by the 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 thereof to the other party or parties (and to the Minister if he is not a party).

Representation

7.—(1) Subject to Rule 3(2), at any hearing of or in connection with the application referred to in Rule 1 a party may appear and may be heard in person or be represented by counsel or solicitor or by a representative of a trade union or of an employers' association or with the leave of the tribunal by any other person.

(2) The Minister 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 notwithstanding that he is not a party and may be represented by any officer of the Ministry or by counsel or solicitor.

Procedure at hearing

8.—(1) Subject to Rule 3(2), at the hearing of the application referred to in Rule 1 the parties (and the Minister if he is not a party and he elects to appear) shall be entitled to make opening statements, to call witnesses, to cross-examine any witnesses called by any other party (or by the Minister if he is not a party) and to address the tribunal.

(2) Subject to Rule 3(2), a party may if he so desires give evidence on his own behalf.

(3) Without prejudice to the right of the Minister to appear and be heard, 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(2).

(4) The tribunal may require any witnesses 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

9.—(1) A decision of the tribunal may be taken by a majority thereof and, if in accordance with regulation 5(1) of the Industrial Tribunals (Scotland)

Regulations 1965 the tribunal shall be constituted of two members only, the chairman shall have a second or casting vote.

(2) The decision of the 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 Minister if he is not a party): Provided that the specification of the reasons for the decision shall be omitted from the register in any case in which the tribunal on the application of either or any of the parties so directs on the ground that disclosure would be contrary to the interests of that party, and in that event a specification of the reasons shall be sent to the parties (and to the Minister if he is not a party) together with the copy of the entry.

(4) 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.

(5) The chairman of the 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.

(6) 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 thereupon 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 the parties (and to the Minister if he is not a party).

Expenses

10.—(1) The tribunal shall not normally award expenses but where in its opinion a party to the proceedings (and if he is a respondent whether or not he has entered an appearance) has acted frivolously or vexatiously the tribunal may include in its decision—

(*a*) an order that that party shall pay to another party (or to the Minister 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 Minister) or, in default of agreement, the taxed amount of those expenses;

(*b*) an order that that party shall pay to the Minister 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 Minister under section 12(3) of the Industrial Training Act 1964(a) (as amended by section 46(5) of the Redundancy Payments Act 1965) 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 include in its decision orders against 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) 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 sheriff court rules for civil proceedings in the sheriff court as shall be directed by the order.

Miscellaneous powers of tribunal

11.—(1) The tribunal may, if it thinks fit,—

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

(a) 1964 c. 16.

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

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

(*d*) if both or all the parties (and the Minister if he is not a party) agree in writing upon the terms of a decision to be made by the tribunal, decide accordingly.

(2) Subject to the provisions of these Rules the tribunal may regulate its own procedure and may, if it thinks fit, before granting an application under Rule 4 or 12 require the party making the application to give notice of it to the other party or parties (and to the Minister if he is not a party) or if the application is made by the Minister require him to give notice of it to the parties. 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.

(3) Any act (other than the hearing of the application referred to in Rule 1) required or authorised by these Rules to be done by the tribunal may be done by, or on the direction of, the President, the chairman of the tribunal or a member of the panel of chairmen for the time being nominated by the President for this purpose.

(4) Rule 10 shall apply to an order dismissing proceedings under paragraph (1)*(c)* of this Rule.

(5) Any functions of the Secretary of the Tribunals other than those mentioned in Rule 2 or Rule 9 may be performed by an Assistant Secretary of the Tribunals.

Applications

12.—(1) An application to the tribunal for an extension of the time appointed by these Rules for doing any act may be made by 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 the Minister if he is not a party) may at any time apply to the tribunal for an order 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 (and to the Minister if he is not a party) of any extension of time granted or any order made in pursuance of this Rule.

Notices, etc.

13.—(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 by means of the recorded delivery service or delivered to or at—

(*a*) in the case of a document directed to the Secretary of the Tribunals, the Central Office of the Industrial Tribunals (Scotland) or such other office as may be notified by the Secretary of the Tribunals to the parties (and to the Minister if he is not a party) under Rule 2;

(*b*) in the case of a document directed to the Minister in proceedings to which he is not a party, the offices of the Ministry of Labour at Stuart House, 30 Semple Street, Edinburgh, 3;

(*c*) 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 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;

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 to the Minister if he is not a party) change his address for service under these Rules.

APPENDIX

FORM 1

INDUSTRIAL TRIBUNALS (REDUNDANCY PAYMENTS) (SCOTLAND) REGULATIONS 1967

APPLICATION BY AN EMPLOYEE FOR A QUESTION TO BE DECIDED UNDER THE REDUNDANCY PAYMENTS ACT 1965

IMPORTANT NOTICE TO INTENDING APPLICANTS

This application form may only be used for questions relating to redundancy payments.

The tribunal cannot make you an award if you have had less that 104 weeks' continuous employment with your employer (including, in some cases, employment with a predecessor of your employer or with an associated company) since you attained the age of 18 or if you attained the age of 65 (60 in the case of a woman) before the employment ended.

The rules for calculating continuous employment are explained in Appendix B to the Ministry's Guide to the Redundancy Payments Act 1965. Employment may be continuous despite short periods of absence. In the event of any question arising it will be for the tribunal to decide whether employment is continuous.

If your employer does not contest your right to a redundancy payment but says he cannot pay, you should make enquiries at the local employment exchange before you complete this application.

To

The Secretary of the Central Office of the
Industrial Tribunals (Scotland),

.....

1. I hereby apply for a decision of a tribunal

* as to whether I have a right to a redundancy payment,

* as to the amount of the redundancy payment to which I am entitled, and my reasons for this application are given at item 9 below.

[*Note to applicants:* Delete either of the items marked thus * if it is not

applicable to your case. If you do not delete the second item (relating to the amount of the payment) you should also complete item 10 of this form and, where appropriate, item 11.]

2. My name (surname first).....

address and telephone.....

number are:.....

[If a woman, state whether Mrs. or Miss]

3. All communications with regard to this application should be addressed

A to me at†.....

B to my solicitor(s)/agent(s), Mr./Messrs.....

.....at†.....

.....

[*Note to applicants:* You should complete either A or B above and delete where inapplicable. When the application is heard by the tribunal you may appear and be heard in person or be represented by counsel or solicitor or by a representative of a trade union or with the leave of the tribunal by any other person.]

4. The name, address and telephone number.....

of the employer (and of other person(s)).....

against whom a decision of the tribunal.....

is sought are:.....

.....

5. My occupation whilst employed was that of.....

6. My employment began.....[date] and ended

.....[date]

7. My basic normal weekly hours of work were.....

8. My date of birth was.....

9. The grounds of my application are as follows:

.....

.....

(continue on a separate sheet if necessary)

[*Note to applicants:* Give above full details of the grounds of your application. Say how your employment ended, and give any other information which you would like the tribunal to take into consideration. If you refused an offer of alternative employment, give your reasons. If there were breaks in the continuity of the employment, give the reasons for them.]

10. The full details of my salary or wages and overtime rates were as follows:

.....

.....

(continue on a separate sheet if necessary)

[*Note to applicants:* This item should only be completed if a decision is required as to the amount of the redundancy payment. If this item is applicable, give full details of your salary or wages and, where applicable, overtime rate. If you were a pieceworker or a shiftworker state what you consider to be a week's pay for the purpose of calculating a redundancy payment and explain in detail how you arrive at this figure.]

11. The amount of redundancy payment made/offered to me already in respect of this redundancy was.....
[*Note to applicants:* If you complete this item (which you should do if it is applicable to your case) you should delete either the word " made " or the word " offered ".]

Date..... Signature.....
Applicant.

† Insert address as applicable.

FORM 2

INDUSTRIAL TRIBUNALS (REDUNDANCY PAYMENTS) (SCOTLAND) REGULATIONS 1967

APPLICATION BY AN EMPLOYER FOR A DECISION THAT HE IS ENTITLED TO A REBATE FROM THE REDUNDANCY FUND

IMPORTANT NOTICE TO INTENDING APPLICANTS

This application form may only be used by employers for questions relating to rebates from the Redundancy Fund.

To
The Secretary of the Central Office of the
Industrial Tribunals (Scotland),

.....

.....

1. I/We* hereby apply for a decision of a tribunal that I/we* am/are* entitled to a rebate from the Redundancy Fund amounting to £..... and my/our* reasons for this application are given at item 6 below.

2. My/our* name, address and.....
telephone number are:.....

.....

3. I/We* am/are* in business as.....

4. All communications with regard to this application should be addressed

A to me/us* at† .....

.....

B to my/our* solicitor(s)/agent(s)*, Mr./Messrs.* .....

.....at†.....

.....

[*Note to applicants:* You should complete either A or B above and delete where inapplicable. When the application is heard by the tribunal you may appear and be heard in person or be represented by counsel or solicitor or by a representative of an employers' association or with the leave of the tribunal by any other person.]

5. This decision is sought against the Minister of Labour.

6. The grounds of this application are as follows:

.....

.....

.....

(continue on a separate sheet if necessary)

[*Note to applicants:* Include above *all* information which you think the tribunal ought to consider.]

Date..... Signature.....

Applicant(s).

* Delete if inapplicable.
† Insert address as applicable.

FORM 3

INDUSTRIAL TRIBUNALS (REDUNDANCY PAYMENTS) (SCOTLAND) REGULATIONS 1967

APPLICATION FOR THE DETERMINATION OF A QUESTION OR APPEAL UNDER THE REDUNDANCY PAYMENTS ACT 1965

IMPORTANT NOTICE TO INTENDING APPLICANTS

This form must only be used in cases where either Form 1 or Form 2 is not applicable. If you are an employee and wish the tribunal to determine a question relating to redundancy payments, ask for Form 1. If you are an employer and wish the tribunal to determine a question relating to rebates from the Redundancy Fund, ask for Form 2.

To

The Secretary of the Central Office of the Industrial Tribunals (Scotland),

.....

.....

1. I/We* .....

(If a woman state whether Mrs. or Miss)

of..... (address)

(telephone number) ..... (occupation or business).....
hereby apply under the above-mentioned Regulations (for the reasons given at item 4 below) for a decision of a tribunal to the following effect:—

.....

.....

2. All communications with regard to this application should be addressed

A to me/us* at†.....

.....

B to my/our* solicitor(s)/agent(s)*, Mr./Messrs.* .....

.....at†.....

.....

[*Note to applicants:* You should complete either A or B above and delete where inapplicable. When the application is heard by the tribunal you may appear and be heard in person or be represented by counsel or solicitor or by a representative of a trade union or of an employers' association or with the leave of the tribunal by any other person.]

3. The name(s), address(es) and telephone number(s) of the person(s) against whom this decision is sought are:—

.....

.....

4. The grounds of this application are as follows:

.....

.....

.....

(continue on a separate sheet if necessary)

[*Note to applicants:* Include above *all* information which you think the tribunal ought to consider.]

Date..... Signature.....
Applicant(s).

* Delete if inapplicable.
† Insert address as applicable.

FORM 4

INDUSTRIAL TRIBUNALS (REDUNDANCY PAYMENTS) (SCOTLAND) REGULATIONS 1967

Notice of Application

Case No..... Central Office of the Industrial Tribunals (Scotland),

.....

.....

I send you herewith a copy of an application in which a decision of a tribunal is sought against you.

The proceedings on this application will be regulated by the rules of procedure contained in the Industrial Tribunals (Redundancy Payments) (Scotland) Regulations 1967. The case number of this application which is indicated above should be quoted in any communication to me with regard to these proceedings.

Under the rules you are required to enter an appearance within 14 days of receiving the copy application. You can do this by filling in and sending to me the enclosed form of notice of appearance.

The notice of appearance when completed (and any other notices or communications addressed to me) should be sent by post by the recorded delivery service or delivered to me [at the address mentioned at the head of this notice] [at the

Regional Office of the Industrial Tribunals (Scotland).....

.....],

stating the case number of the proceedings.

If you do not enter an appearance you will not be entitled to take any part in the proceedings (except to apply for an extension of the time appointed by the rules for entering an appearance) or to receive any further notice of the proceedings and a decision (which may be registered for execution and enforced against you) may be given against you in your absence. Whether or not you enter an appearance you will be sent a copy of the tribunal's decision.

When the application is heard by the tribunal the parties (other than a respondent who has not entered an appearance) may appear and be heard in person or be represented by counsel or solicitor or by a representative of a trade union or of an employers' association or with the leave of the tribunal by any other person.

Dated..... 19.....

Signed.....

Secretary.

To the Respondent(s).....

FORM 5

INDUSTRIAL TRIBUNALS (REDUNDANCY PAYMENTS) (SCOTLAND) REGULATIONS 1967

NOTICE OF APPEARANCE BY RESPONDENT

Case No.

To

The Secretary of the Tribunals,
[Central] [Regional] Office of the Industrial
Tribunals (Scotland),

.....

.....

I/We*..... of.....

hereby give notice that I/we* *intend to resist / *do not intend to resist

the application made by.....

* The grounds on which I/we* intend to resist the said application are as follows:—

.....

.....

.....

(continue on a separate sheet if necessary)

[*Note to respondents:* When completing this part of the form you should indicate whether you dispute the accuracy of any of the statements made in the application and if so in what respects.]

All communications with regard to the above-mentioned application should be addressed to me/us* at†.....

.....

to my/our* solicitor(s)/agent(s)*, Mr./Messrs.*.....

..... at†.....

Dated.....19.....

Signed.....

Respondent(s).

*Delete if inapplicable.
†Insert address as applicable.

FORM 6

INDUSTRIAL TRIBUNALS (REDUNDANCY PAYMENTS) (SCOTLAND) REGULATIONS 1967

NOTICE OF HEARING

Case No..... [Central] [Regional] Office of the Industrial Tribunals (Scotland),

Tribunal.....

.....

.....

NOTICE IS HEREBY GIVEN that the application of.....

..... dated .....

will be heard by an Industrial Tribunal at.....

on the ..... day of ..... 19 ..... at .....o'clock

in the.....noon or as soon as may be thereafter.

In his own interest each party should appear at the hearing with his witnesses (if any) at the above time and place and bring with him all documents on which he intends to rely.

Each party (other than a respondent who has not entered an appearance) is entitled to be represented by counsel or solicitor or by a representative of a trade union or of an employers' association or with the leave of the tribunal by any other person.

If for any reason a party does not propose, or is unable, to appear at the hearing either in person or by representative, that party should *immediately* inform me in writing at the address mentioned at the head of this notice, stating the case number of the proceedings and the reasons for the proposal not to, or the inability to, attend or to be represented.

The Rules provide that if a party (other than a respondent who has not entered an appearance) shall desire to submit representations in writing for consideration by the tribunal at the hearing 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 thereof to the other party or parties (and to the Minister if he is not a party). Any such written representations addressed to me should be sent or delivered to or at the address mentioned at the head of this notice.

Date .....19.....

Signed .....

Secretary/Assistant Secretary.

To the Applicant(s) and Respondent(s).....
[and to the Minister]

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations regulate the procedure of industrial tribunals for Scotland on references under the Redundancy Payments Act 1965 in respect of proceedings instituted on or after 10th April 1967.