STATUTORY INSTRUMENTS

1967 No. 1299

INDUSTRIAL TRIBUNALS

The Industrial Tribunals (Selective Employment Payments) (Scotland) Amendment Regulations 1967

Made - - -	*29th August* 1967
Laid before Parliament	*7th September* 1967
Coming into Operation	*11th September* 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 consultation with the Council on Tribunals hereby makes the following Regulations amending the Industrial Tribunals (Selective Employment Payments) (Scotland) Regulations 1966(b) (hereinafter referred to as "the principal Regulations"):—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Industrial Tribunals (Selective Employment Payments) (Scotland) Amendment Regulations 1967 and shall come into operation on 11th September 1967.

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

Amendment of principal Regulations

2. For paragraph (2) of Regulation 3 (procedure of tribunals) of the principal Regulations there shall be substituted the following paragraph:—

"(2) This regulation applies to proceedings for the determination of any question which an employer may require to be referred to and determined by a tribunal under—

(*a*) the Selective Employment Payments Act 1966(d); or

(*b*) any enactment for the time being in force which is to be construed as one with that Act,

being proceedings relating to an establishment situated, or to persons employed, in Scotland or to persons employed outside the United Kingdom by an employer in Scotland."

Amendment of rules of procedure

3. The following amendments shall be made to the Rules of Procedure contained in the Schedule to the principal Regulations, namely:—

(*a*) in Rule 1 (application for determination of question) for the words "Forms 1 to 5" there shall be substituted the words "the forms of application in the Appendix to these Rules";

(*b*) in paragraph (4) of Rule 7 (procedure at hearing) for the words "the chairman may administer" there shall be substituted the words "there may be administered";

(a) 1965 c. 62. (b) S.I. 1966/1232 (1966 III, p. 3314). (c) 1889 c. 63.
(d) 1966 c. 32.

(*c*) the following paragraph shall be added to Rule 8 (decision of tribunal)—
"(7) The Secretary of the Tribunals shall make such correction as may be necessary in the Register of Applications as respects any decision of a tribunal which is varied or set aside by a superior court in consequence of proceedings brought by virtue of section 9 of the Tribunals and Inquiries Act 1958(a) and shall send a copy of the corrected entry to the applicant and the appropriate Minister."; and

(*d*) the following sub-paragraph shall be added to paragraph (3) of Rule 12 (notices etc.)—

"(*c*) in the case of the Minister of Social Security, the Selective Employment Tax Repayments Office, Wardpark, Cumbernauld, Glasgow."

Additional forms of application

4. The two forms of application set out in the Schedule to these Regulations and numbered respectively 5A and 5B shall be inserted after Form 5 in the Appendix to the Rules of Procedure scheduled to the principal Regulations.

29th August 1967.

R. J. Gunter,
Minister of Labour.

SCHEDULE

Additional Forms of Application

FORM 5A

Industrial Tribunals (Selective Employment Payments) (Scotland) Regulations 1966

Application for the Determination of a Question Relating to a Part-Time Worker

To

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

.....

.....

I/We..... of†.....
(If a woman state whether Mrs. or Miss)

..... telephone number.....
hereby apply for a decision of a tribunal against the Minister of Social Security.

[*Note to applicants:* Whether or not this application is made by a solicitor or other agent, please insert above the full name and address of the employer.]

This application is for a decision—

A that the insured person specified below worked for me/us for less than twenty-one hours in the contribution week or, as the case may be, each of the contribution weeks specified below in pursuance of a contract, or as holder of an office, which normally involves working for less than twenty-one hours weekly

B as to the amount, if any, which falls to be paid to me/us under section 25(1) of the Finance Act 1967(b).

[*Note to applicants:* You should delete whichever of A or B above is inapplicable. If neither A nor B is applicable you should delete both and state the nature of your application in space C below.]

(a) 1958 c. 66. (b) 1967 c. 54.

C This application is for a decision that.....

.....

.....

(continue on a separate sheet if necessary)

The following are particulars of the insured person in respect of whom this application is made—

Name .....

(If a woman state whether Mrs. or Miss)

Address† .....

.....

National Insurance No.....

The contribution week/weeks in respect of which this application is made is/are the following:—

.....

[*Note to applicants:* Contribution weeks are weeks beginning on a Monday.]

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.]

All communications with regard to this application should be addressed

D to me/us at†.....

E to my/our Solicitor(s)/Agent(s), Mr./Messrs.....

..... at†.....

.....

[*Note to applicants:* You should complete either D or E 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 with the leave of the tribunal by any other person.]

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

Signed.....

Applicant(s)

*Delete if inapplicable
†Insert address as applicable

FORM 5B

INDUSTRIAL TRIBUNALS (SELECTIVE EMPLOYMENT PAYMENTS) (SCOTLAND) REGULATIONS 1966

APPLICATION RELATING TO A PERSON EMPLOYED OUTSIDE THE UNITED KINGDOM

To

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

.....

.....

I/We..... of†.....

(If a woman state whether Mrs. or Miss)

..... telephone number.....

hereby apply for a decision of a tribunal against the Minister of Social Security.

[*Note to applicants:* Whether or not this application is made by a solicitor or other agent, please insert above the full name and address of the employer.]

This application is for a decision—

A that as respects the insured person specified below the day specified below does not constitute (or, as the case may be, none of the days specified below constitutes) a disqualifying day for the purposes of section 25(2) (a) of the Finance Act 1967.

B that the insured person specified below was on the day/days specified below incapable of work by reason of some specific disease or bodily or mental disablement.

C as to the amount, if any, which falls to be paid to me/us under section 25(2) of the Finance Act 1967.

[*Note to applicants:* You should delete whichever of A, B or C above are inapplicable. If the question you want a tribunal to determine is not covered by A, B or C state the nature of your application in space D below.]

D This application is for a decision that

.....

.....

(continue on a separate sheet if necessary)

The following are particulars of the insured person in respect of whom this application is made:—

Name .....

(If a woman state whether Mrs. or Miss)

Address† .....

National Insurance No.....

The day/days with which this application is concerned is/are the following

.....

The date on which the insured person began employment by me/us wholly outside both the United Kingdom and any area for the time being designated under section 1(7) of the Continental Shelf Act 1964(a) was .....

.....[insert date]

Is the employment still continuing?

[State Yes or No and if No the date on .....

which the employment ended] .....

*Were there / *Have there been any breaks in the continuity of the employment?

[State Yes or No and if Yes give particulars of the breaks]

.....

.....

(a) 1964 c. 29.

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.]

All communications with regard to this application should be addressed

E to me/us at†.....

F to my/our Solicitor(s)/Agent(s), Mr./Messrs.....

..... at†.....

.....

[*Note to applicants:* You should complete either E or F 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 with the leave of the tribunal by any other person.]

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

Signed.....
Applicant(s)

*Delete if inapplicable

†Insert address as appropriate

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Industrial Tribunals (Selective Employment Payments) (Scotland) Regulations 1966 so as to bring within their scope the determination of questions arising on claims under section 25 of and the 12th Schedule to the Finance Act 1967 for refunds of selective employment tax in respect of part-time workers or persons employed outside the United Kingdom.