STATUTORY INSTRUMENTS

1968 No. 1415

IRON AND STEEL

The Iron and Steel Arbitration Tribunal Rules 1968

Made - - -	*3rd September* 1968
Laid before Parliament	*9th September* 1968
Coming into Operation	*2nd October* 1968

I, Gerald, Baron Gardiner, Lord High Chancellor of Great Britain, in exercise of the powers conferred on me by section 44(4) of the Iron and Steel Act 1949(**a**), as revived by section 32(2) of the Iron and Steel Act 1967(**b**), and after consultation with the Council on Tribunals, hereby make the following Rules:—

Citation, commencement, interpretation and extent

1. These Rules may be cited as the Iron and Steel Arbitration Tribunal Rules 1968 and shall come into operation on 2nd October 1968.

2.—(1) In these Rules, unless the context otherwise requires—

"the Act" means the Iron and Steel Act 1949, as revived and modified by the Iron and Steel Act 1967;

"the Tribunal" means the Iron and Steel Arbitration Tribunal established under section 43(1) of the Iron and Steel Act 1949 and re-established under section 32(1) of the Iron and Steel Act 1967;

"the President" means the president of the Tribunal;

"the clerk" means the person for the time being performing the functions of clerk to the Tribunal;

"the office" means the office for the time being of the Tribunal.

(2) In these Rules a Form referred to by number means the Form so numbered in the Schedule to these Rules.

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

3. These Rules shall not apply to proceedings which, under section 43(5) of the Act, are to be treated as Scottish proceedings.

Institution of proceedings

4.—(1) Proceedings before the Tribunal for the determination of any question or dispute shall be commenced by serving on the Tribunal an originating application substantially in accordance with Form 1.

(2) Every such application shall name as a respondent every party (other than the applicant) to the question or dispute, or other person appearing to be directly interested in the subject of the application, and shall also contain a certificate that the application does not relate to proceedings which, under section 43(5) of the Act, are to be treated as Scottish proceedings.

(**a**) 1949 c. 72. (**b**) 1967 c. 17. (**c**) 1889 c. 63.

5. The clerk shall, as soon as may be after being served with an originating application, serve upon each respondent named therein a copy thereof sealed with the seal of the Tribunal and endorsed with a notice in the following terms:—

"To the respondent (*naming the respondent served*):

You will in due course be served with a statement setting out the facts alleged by, and the contentions of, the applicant, and you are requested not to take any step in these proceedings until after service of such statement upon you."

Joinder of parties

6.—(1) The 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 be added as a respondent, and thereupon the clerk shall serve upon such person a copy of the originating application having endorsed thereon a notice in the terms set out in rule 5 and sealed with the seal of the Tribunal.

(2) The Tribunal may likewise, either upon such application or of its own motion, order that any respondent named in the originating application or subsequently added, who shall appear to the Tribunal not to have been, or to have ceased to be, directly interested in the subject matter of the application, be dismissed from the proceedings upon such terms as the Tribunal may think fit.

Pleadings

7.—(1) The applicant shall, within 21 days after the service on the Tribunal of his originating application, serve upon the Tribunal a statement in writing setting out the facts and matters relied upon by, and the contentions of, the applicant.

(2) The clerk shall, as soon as may be after being served with the applicant's statement, serve on each respondent a copy thereof sealed with the seal of the Tribunal and endorsed with a notice in the following terms:—

"To the respondent (*naming the respondent served*):

If you wish to deny any of the facts alleged, or do not agree with any of the contentions put forward in this statement, or if you wish to allege any other facts or to put forward any other contentions, you should within 21 days after service of this statement upon you, or within such extended period as the Tribunal may allow, send or deliver to the clerk to the Tribunal at [*address of Office*] an answer to this statement. Your answer should conform to the provisions of the Iron and Steel Arbitration Tribunal Rules 1968, and should state an address at which any further notices, orders or other documents in these proceedings may be served upon you."

8.—(1) A respondent may, within 21 days after service upon him of the statement of the applicant, serve upon the Tribunal an answer in writing.

(2) In his answer the respondent shall state which (if any) of the facts alleged in the applicant's statement he denies, and shall include a statement setting out any other facts or matters relied upon by, and the contentions of, the respondent.

(3) Any fact alleged in the statement of an applicant and not expressly denied in an answer served by a respondent shall, as against such respondent be taken to be admitted, but without prejudice to the power of the Tribunal to require proof thereof.

(4) Every respondent shall give in his answer an address at which any notice, order or other document in the proceedings may be served upon him.

(5) The clerk shall, as soon as may be after being served with a respondent's answer, serve a copy thereof on the applicant and on every other respondent.

Entry of Applications, etc.

9. The clerk shall allot to every originating application a distinctive serial number, and every subsequent notice, statement, answer, order or other document relating to the same proceedings shall bear the same distinctive serial number and the same heading as the originating application.

10. The clerk shall make and keep a list of all applications to the Tribunal with the distinctive numbers and the dates thereof, and such list may be inspected at the office upon application being made to the clerk.

11.—(1) Every application, notice, statement, answer, order or other document relating to any matter shall be filed by the clerk under the distinctive serial number thereof, and the file relating to any such matter may be inspected at the office upon application being made to the clerk by any person appearing to the clerk to have an interest in the matter or by his authorised agent.

(2) If any question arises as to whether any person ought to be permitted to inspect any such file, such question shall be determined by the Tribunal on the application of the person seeking such inspection.

Interlocutory directions

12. Any party to proceedings before the Tribunal may at any time, subject to the provisions of rule 25, by serving on the clerk a notice in writing substantially in accordance with Form 2, apply to the Tribunal for interlocutory directions, including directions for delivery of further and better particulars of any allegation, for leave to serve any reply or rejoinder or to amend any statement, answer, or other pleading, for discovery of documents and interrogatories, for the extension (whether or not it has already expired) or the abridgment of the time for taking any step in the proceedings, for fixing the day of the hearing, or for any other purpose.

13.—(1) Subject to paragraph (3) of this rule, the clerk shall, on being served with notice under rule 12, appoint a time and place for the hearing of the application and shall also—

(*a*) give to every party concerned not less than 7 days' notice of the appointment, and

(*b*) serve on every such party (other than the applicant) a copy of the notice of application.

(2) Any such application shall be heard and determined by the President who may, and shall at the request of any party to the application, adjourn the application to be heard and determined by the Tribunal.

(3) Where all parties concerned consent to an application for interlocutory directions, the party seeking the directions may apply therefor by letter addressed to the clerk enclosing the written consent to the application of all the other parties, and the President may thereupon make the order and the clerk shall notify the parties thereof:

Provided that, if the President is of the opinion that he or the Tribunal should hear the parties, the clerk shall inform the parties in writing accordingly and give them not less than 7 days' notice of the appointment for the hearing.

14. The Tribunal may, of its own motion and at any stage of any proceedings, give any interlocutory directions after having given the parties an opportunity of being heard, or making representations in writing, thereon.

Consent Orders

15. Where a dispute is compromised, the Tribunal may, by consent of the parties, make an order in the terms of the compromise and all further proceedings shall thereupon be stayed.

Want of prosecution

16. The Tribunal may, either of its own motion or on an application made in that behalf, dismiss any proceedings for want of prosecution.

Withdrawal of applications

17. An applicant may withdraw his application by notice in writing served on the clerk and accompanied by the written consent of every other party to the application.

Service of documents

18.—(1) Any notice or other document required by these Rules to be given to or served on any person may be sent to him by pre-paid post at his address for service, or, where no address for service has been given, at his registered office, principal place of business or last-known address, and every notice or other document required to be served on the Tribunal may be sent by pre-paid post to the clerk at the office.

(2) If it shall appear to the Tribunal that for any reason service on any person cannot readily be effected in the manner authorised by these Rules, the Tribunal may direct that service on such person be dispensed with or effected in such other manner as the Tribunal may direct.

(3) Any party to proceedings may at any time change his address for service by notice in writing served on the Tribunal, and in that event the clerk shall notify every other party of the change.

Hearings before the Tribunal

19.—(1) Hearings before the Tribunal shall be held at such times and places as the Tribunal may determine.

(2) The clerk shall give to every party concerned not less than 7 days' notice of any hearing.

(3) Hearings of applications other than applications for interlocutory directions shall be in public:

Provided that, if all parties consent, a hearing may be held in private, but in that case any member of the Council on Tribunals, acting in his capacity as such, may nevertheless be entitled to be present.

Representation

20. A party may be represented at any hearing, whether before the Tribunal or the President, by counsel or solicitor, or by any other person allowed by the Tribunal or the President (as the case may be) to appear on his behalf, or may, save in the case of a corporation or unincorporated body, appear in person.

Evidence

21. Evidence before the Tribunal may be given orally, or, if the parties to the proceedings consent, by affidavit, but the Tribunal may at any stage of the proceedings make an order requiring the personal attendance of any deponent for examination and cross-examination.

Decisions and orders of the Tribunal

22.—(1) The final decision of the Tribunal on an originating application shall be given in writing and shall include a statement of the Tribunal's reasons.

(2) The clerk shall send to every party to the proceedings a copy of the Tribunal's decision and shall cause a copy to be made available at the office for public inspection at such times as the Tribunal may direct.

(3) All orders of the Tribunal shall be sealed with the seal of the Tribunal, the application of which shall be authenticated by the signature of the clerk or some other person authorised by the Tribunal to act for him.

Statement of case for Court of Appeal

23.—(1) An application to the Tribunal to state a case for determination by the Court of Appeal under section 44(3) of the Act may be made by notice in writing to the Tribunal.

(2) The clerk shall, as soon as may be after being served with a notice under the last foregoing paragraph of this rule, serve a copy thereof on every other party concerned.

(3) The Tribunal shall, as soon as may be practicable, consider the application and shall notify its decision thereon to the applicant and every other such party.

Costs

24. The costs of and incidental to any proceedings shall be in the discretion of the Tribunal, which may direct that any party against whom an order for costs is made shall pay to any other party a lump sum by way of costs, or such proportion of the costs as may be just, and in the last-mentioned case may itself assess the sum to be paid.

Miscellaneous

25. Except by leave of the Tribunal and subject to the provisions of these Rules, no further step in any proceedings before the Tribunal shall be taken until after the expiration of the time limited for service of an answer or of such extension of such time as the Tribunal may allow.

26. Subject to the provisions of the Act, the Iron and Steel Act 1967, and of these Rules, the Tribunal may regulate its own procedure.

Dated 3rd September 1968.

Gardiner, C.

SCHEDULE

FORM 1

Rule 4

ORIGINATING APPLICATION

THE IRON AND STEEL ARBITRATION TRIBUNAL

No.....

IN THE MATTER OF THE IRON AND STEEL ACTS 1949 and 1967
AND IN THE MATTER of a Question
BETWEEN [*Name of applicant*] Applicant

and

[*Name(s) of respondent(s)*] Respondent(s)

To: the clerk of the Iron and Steel Arbitration Tribunal:—

The above-named applicant [*name and address of applicant*] hereby applies to the Iron and Steel Arbitration Tribunal pursuant to the provisions of the Iron and Steel Act 1949 and the Iron and Steel Act 1967 for the determination of the following question(s) arising under section of the (Iron and Steel Act 1949) (Iron and Steel Act 1967).

The question which is the subject of the application is

[*state briefly question of which determination is sought*].

The applicant hereby certifies that this application does not relate to proceedings which under section 43(5) of the Iron and Steel Act 1949 are to be treated as Scottish proceedings.

The above-named respondent(s) is(are) interested in the subject of this application. His(their) address(es) is(are) [*here give address of each respondent*]

The address for service of the applicant is

Signed .....

Status of signatory*.....

Date .....

* *Insert as appropriate:*
"*Applicant*"
"*An officer of applicant*"
"*Solicitor(s) for applicant*"

FORM 2

Rule 12

NOTICE OF APPLICATION FOR INTERLOCUTORY DIRECTIONS

(*Heading as in Form* 1)

To: the clerk of the Iron and Steel Arbitration Tribunal:—

The above-named [*name of party applying*] hereby applies to the Tribunal for directions that [*particulars of directions sought*] , and requests the clerk to serve copies of this notice on the other parties to these proceedings.

Signed .....

Status of signatory*.....

Date .....

**Insert as appropriate:*
"*Applicant*"
"*An officer of applicant*"
"*Solicitor(s) for applicant*"

EXPLANATORY NOTE

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

These Rules regulate the procedure in or in connection with any proceedings before the Arbitration Tribunal established under the Iron and Steel Act 1949 and re-established under the Iron and Steel Act 1967, other than proceedings which are to be treated as Scottish proceedings.