

## SCHEDULE 1

### THE EMPLOYMENT TRIBUNALS RULES OF PROCEDURE

#### GENERAL PROVISIONS

##### **Powers**

**60.**—(1) Subject to the provisions of these rules and any practice directions, a tribunal or chairman may regulate its or his own procedure.

(2) At a Hearing, or a pre-hearing review held in accordance with rule 18(3), a tribunal may make any order which a chairman has power to make under these rules, subject to compliance with any relevant notice or other procedural requirements.

(3) Any function of the Secretary may be performed by a person acting with the authority of the Secretary.

##### **Notices, etc**

**61.**—(1) Any notice given or document sent under these rules shall (unless a chairman or tribunal orders otherwise) be in writing and may be given or sent —

- (a) by post;
- (b) by fax or other means of electronic communication; or
- (c) by personal delivery.

(2) Where a notice or document has been given or sent in accordance with paragraph (1), that notice or document shall, unless the contrary is proved, be taken to have been received by the party to whom it is addressed —

- (a) in the case of a notice or document given or sent by post, on the day on which the notice or document would be delivered in the ordinary course of post;
- (b) in the case of a notice or document transmitted by fax or other means of electronic communication, on the day on which the notice or document is transmitted;
- (c) in the case of a notice or document delivered in person, on the day on which the notice or document is delivered.

(3) All notices and documents required by these rules to be presented to the Secretary or an Employment Tribunal Office, other than a claim, shall be presented at the Employment Tribunal Office as notified by the Secretary to the parties.

(4) All notices and documents required or authorised by these rules to be sent or given to any person listed below may be sent to or delivered at —

- (a) in the case of a notice or document directed to the Secretary of State in proceedings to which she is not a party and which are brought under section 170 of the Employment Rights Act, the offices of the Redundancy Payments Directorate of the Insolvency Service at PO Box 203, 21 Bloomsbury Street, London WC1B 3QW, or such other office as may be notified by the Secretary of State;
- (b) in the case of any other notice or document directed to the Secretary of State in proceedings to which she is not a party (or in respect of which she is treated as a party for the purposes of these rules by rule 51), the offices of the Department of Trade and Industry (Employment Relations Directorate) at 1 Victoria Street, London, SW1H 0ET, or such other office as be notified by the Secretary of State;

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- (c) in the case of a notice or document directed to the Attorney General under rule 56, the Attorney General's Chambers, 9 Buckingham Gate, London, SW1E 7JP;
- (d) in the case of a notice or document directed to the National Assembly for Wales under rule 56, the Counsel General to the National Assembly for Wales, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ;
- (e) in the case of a notice or document directed to the Advocate General for Scotland under rule 56, the Office of the Solicitor to the Advocate General for Scotland, Victoria Quay, Edinburgh, EH6 6QQ;
- (f) in the case of a notice or document directed to the Lord Advocate under rule 56, the Legal Secretariat to the Lord Advocate, 25 Chambers Street, Edinburgh, EH1 1LA;
- (g) in the case of a notice or document directed to a court, the office of the clerk of the court;
- (h) in the case of a notice or document directed to a party:—
  - (i) the address specified in the claim or response to which notices and documents are to be sent, or in a notice under paragraph (5); or
  - (ii) if no such address has been specified, or if a notice sent to such an address has been returned, to any other known address or place of business in the United Kingdom or, if the party is a corporate body, the body's registered or principal office in the United Kingdom, or, in any case, such address or place outside the United Kingdom as the President, Vice President or a Regional Chairman may allow;
- (i) in the case of a notice or 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 the person is a corporate body, the body's registered or principal office in the United Kingdom;

and a notice or document sent or given to the authorised representative of a party shall be taken to have been sent or given to that party.

(5) A party may at any time by notice to the Employment Tribunal Office and to the other party or parties (and, where appropriate, to the appropriate conciliation officer) change the address to which notices and documents are to be sent or transmitted.

(6) The President, Vice President or a Regional Chairman may order that there shall be substituted service in such manner as he may deem fit in any case he considers appropriate.

(7) In proceedings which may involve a payment out of the National Insurance Fund, the Secretary shall, where appropriate, send copies of all documents and notices to the Secretary of State whether or not she is a party.

(8) Copies of every document sent to the parties under rules 29, 30 or 32 shall be sent by the Secretary:—

- (a) in the case of proceedings under the Equal Pay Act, the Sex Discrimination Act or the Sex Discrimination Act 1986, to the Equal Opportunities Commission;
- (b) in the case of proceedings under the Race Relations Act, to the Commission for Racial Equality; and
- (c) in the case of proceedings under the Disability Discrimination Act, to the Disability Rights Commission.