

SCHEDULE 2

THE EMPLOYMENT TRIBUNALS (NATIONAL SECURITY) RULES OF PROCEDURE

Reasons in national security proceedings

10.—(1) This rule applies to written reasons given under rule 30 of Schedule 1 for a judgment or order made by the tribunal or chairman in national security proceedings.

(2) Before the Secretary sends a copy of the written reasons (“the full written reasons”) to any party, or enters them in the Register under rule 32 of Schedule 1, he shall send a copy of the full written reasons to the Minister.

(3) If the Minister considers it expedient in the interests of national security and he has given a direction or the tribunal or a chairman has made an order under rule 54 in those proceedings, the Minister may —

- (a) direct the tribunal or chairman that the full written reasons shall not be disclosed to persons specified in the direction, and to prepare a further document (“the edited reasons”) setting out the reasons for the judgment or order, but with the omission of such of the information as is specified in the direction;
- (b) direct the tribunal or chairman that the full written reasons shall not be disclosed to persons specified in the direction, but that no further document setting out the tribunal or chairman’s reasons should be prepared.

(4) Where the Minister has directed the tribunal or chairman in accordance with paragraph 3(a), the edited reasons shall be signed by the chairman and initialled in each place where an omission has been made.

(5) Where a direction has been made under paragraph (3)(a), the Secretary shall —

- (a) send a copy of the edited reasons referred to in paragraph (3)(a) to any person specified in the direction and to the persons listed in paragraph (7);
- (b) enter the edited reasons in the Register, but omit from the Register the full written reasons; and
- (c) send a copy of the full written reasons to the persons listed in paragraph (7).

(6) Where a direction has been made under paragraph (3)(b), the Secretary shall send a copy of the full written reasons to the persons listed in paragraph (7), but he shall not enter the full written reasons in the Register.

(7) The persons to whom full written reasons should be sent in accordance with paragraph (5) or (6) are —

- (a) the respondent;
- (b) the claimant or the claimant’s representative if they were not specified in the direction made under paragraph (3);
- (c) if applicable, the special advocate;
- (d) where the proceedings were referred to the tribunal by a court, to that court; and
- (e) where there are proceedings before a superior court (or in Scotland, an appellate court) relating to the decision in question, to that court.