

## SCHEDULE 1

### RULES OF PROCEDURE: COMPLAINTS

#### Case management

4.—(1) A tribunal may at any time, on the application of a party or of its own motion, give such directions on any matter arising in connection with the proceedings as appear to the tribunal to be appropriate.

(2) An application under paragraph (1) –

(a) may be made by presenting to the Secretary a notice of application, which shall state the title of the proceedings and set out the grounds of the application; or

(b) may be made at the hearing of the originating application.

(3) Directions under paragraph (1) may include any requirement relating to evidence (including the provision and exchange of witness statements), the provision of further particulars, and the provision of written answers to questions put to a party by the tribunal.

(4) A tribunal may appoint the time at or within which and the place at which any act required in pursuance of this rule is to be done and may direct that a copy of any document furnished pursuant to any requirement imposed under this rule be sent to the tribunal.

(5) A tribunal may, on the application of a party or of its own motion –

(a) require the attendance of any person in Northern Ireland, including a party, either to give evidence or to produce documents or both; or

(b) require one party to grant to another such discovery or inspection (including the taking of copies) of documents as might be granted by a county court,

and may appoint the time at or within which or place at which any act in pursuance of this rule is to be done.

(6) Every document containing a requirement imposed under paragraph (5) shall contain a reference to the fact that, under Article 84(9) and (10) of the Order of 1998, any person who without reasonable excuse fails to comply with any such requirement shall be liable on summary conviction to a fine and, if without reasonable excuse the failure continues after conviction, shall be liable on a second or subsequent summary conviction to a fine for each day on which the failure continues and the document shall also state the amounts of the current maximum fines.

(7) Where a requirement has been imposed under paragraph (1) or (5) –

(a) on a party in his absence; or

(b) on a person other than a party,

that party or person may apply to the tribunal by notice to the Secretary to vary or set aside the requirement. Such notice shall be given before the time at which or, as the case may be, the expiration of the time within which the requirement is to be complied with, and the Secretary shall give notice of the application to each party, or where applicable, each party other than the party making the application.

(8) If a requirement under paragraph (1) or (5) is not complied with, the tribunal –

(a) may make an order in respect of costs under rule 12(1)(a); or

(b) before or at the hearing, may strike out the whole or part of the originating application, or, as the case may be, the notice of appearance, and, where appropriate, direct that a respondent be debarred from defending altogether;

but a tribunal shall not exercise its powers under this paragraph unless it has sent notice to the party who has not complied with the requirement giving him an opportunity to show cause why the tribunal

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should not do so, or the party has been given an opportunity to show cause orally why the powers conferred by this paragraph should not be exercised.