

SCHEDULE 1

INDUSTRIAL TRIBUNALS RULES OF PROCEDURE

National security

8.—(1) A Minister of the Crown (whether or not he is a party to the proceedings) may, if he considers it expedient in the interests of national security, direct a tribunal by notice to the Secretary to –

- (a) sit in private for all or part of particular Crown employment proceedings;
- (b) exclude the applicant from all or part of particular Crown employment proceedings;
- (c) exclude the applicant's representatives from all or part of particular Crown employment proceedings;
- (d) take steps to conceal the identity of a particular witness in particular Crown employment proceedings.

(2) A tribunal may, if it considers it expedient in the interests of national security, by order –

- (a) do anything of a kind which a tribunal can be required to do by direction under paragraph (1);
- (b) direct any person to whom any document (including any decision or record of the proceedings) has been provided for the purposes of the proceedings not to disclose any such document or the content thereof to –
 - (i) any excluded person;
 - (ii) in any case in which a direction has been given under paragraph (1)(a) or an order has been made under paragraph (2)(a) read with paragraph (1)(a), to any person excluded from all or part of the proceedings by virtue of such direction or order; or
 - (iii) in any case in which a Minister of the Crown has informed the Secretary in accordance with paragraph (3) that he wishes to address the tribunal with a view to the tribunal making an order under paragraph (2)(a) read with paragraph (1)(b) or (c), to any person who may be excluded from all or part of the proceedings by virtue of such an order, if an order is made, at any time before the tribunal decides whether or not to make such an order;

(c) take steps to keep secret all or part of the reasons for its decision.

(3) The tribunal shall keep under review any order it makes under this rule.

(4) In any proceedings in which a Minister of the Crown considers that it would be appropriate for a tribunal to make an order as referred to in paragraph (2), he shall (whether or not he is a party to the proceedings) be entitled to appear before and to address the tribunal thereon. The Minister shall inform the Secretary by notice that he wishes to address the tribunal and the Secretary shall copy the notice to the parties.

(5) When exercising its functions, a tribunal shall ensure that information is not disclosed contrary to the interests of national security.