

SCHEDULES

SCHEDULE 4

TRIBUNAL: PROCEDURE

PART 1

GENERAL

Decisions of the Tribunal

- 1 (1) A decision of the Tribunal in any proceedings before it must—
- (a) state the reasons for the decision and whether it was unanimous or taken by a majority;
 - (b) be recorded in a document signed and dated by the chairman of the Tribunal dealing with the proceedings.
- (2) In preparing that document the Tribunal shall have regard to the need for excluding, so far as practicable—
- (a) information the disclosure of which would in its opinion be contrary to the public interest;
 - (b) commercial information the disclosure of which would or might, in its opinion, significantly harm the legitimate business interests of the undertaking to which it relates;
 - (c) information relating to the private affairs of an individual the disclosure of which would, or might, in its opinion, significantly harm his interests.
- (3) But the Tribunal shall also have regard to the extent to which any disclosure mentioned in sub-paragraph (2) is necessary for the purpose of explaining the reasons for the decision.
- (4) The President shall make such arrangements for the publication of the decisions of the Tribunal as he considers appropriate.

Enforcement of decisions in Great Britain

- 2 If a decision of the Tribunal is registered in England and Wales in accordance with rules of court or any practice direction—
- (a) payment of damages which are awarded by the decision;
 - (b) costs or expenses awarded by the decision; and
 - (c) any direction given as a result of the decision,
- may be enforced by the High Court as if the damages, costs or expenses were an amount due in pursuance of a judgment or order of the High Court, or as if the direction were an order of the High Court.

Status: This is the original version (as it was originally enacted).

- 3 If a decision of the Tribunal awards damages, costs or expenses, or results in any direction being given, the decision may be recorded for execution in the Books of Council and Session and shall be enforceable accordingly.
- 4 Subject to rules of court or any practice direction, a decision of the Tribunal may be registered or recorded for execution—
- (a) for the purpose of enforcing a direction given as a result of the decision, by the Registrar of the Tribunal or a person who was a party to the proceedings;
 - (b) for the purpose of enforcing a decision to award damages, costs or expenses (other than a decision to which paragraph (c) applies), by the person to whom the sum concerned was awarded; and
 - (c) for the purpose of enforcing a decision to award damages which is the subject of an order under section 47B(6) of the 1998 Act, by the specified body concerned.

Enforcement of decisions in Northern Ireland

- 5 (1) A decision of the Tribunal may be enforced in Northern Ireland with the leave of the High Court in Northern Ireland—
- (a) in the case of a direction given as a result of the decision, by the Registrar of the Tribunal or a person who was a party to the proceedings;
 - (b) for the purpose of enforcing a decision to award damages, costs or expenses (other than a decision to which paragraph (c) applies), by the person to whom the sum concerned was awarded; and
 - (c) for the purpose of enforcing a decision to award damages which is the subject of an order under section 47B(6) of the 1998 Act, by the specified body concerned.
- (2) For the purpose of enforcing in Northern Ireland a decision to award damages, costs or expenses—
- (a) payment may be enforced as if the damages, costs or expenses were an amount due in pursuance of a judgment or order of the High Court in Northern Ireland; and
 - (b) a sum equal to the amount of damages, costs or expenses shall be deemed to be payable under a money judgment within the meaning of Article 2(2) of the Judgments Enforcement (Northern Ireland) Order 1981 ([S.I. 1981/226 \(N.I. 6\)](#)) (and the provisions of that Order apply accordingly).
- (3) For the purpose of enforcing in Northern Ireland a direction given as a result of a decision of the Tribunal, the direction may be enforced as if it were an order of the High Court in Northern Ireland.

Miscellaneous

- 6 A decision of the Tribunal in proceedings under section 47B of the 1998 Act which—
- (a) awards damages to an individual in respect of a claim made or continued on his behalf (but is not the subject of an order under section 47B(6)); or
 - (b) awards costs or expenses to an individual in respect of proceedings in respect of a claim made under section 47A of that Act prior to its being continued on his behalf in the proceedings under section 47B,
- may only be enforced by the individual concerned with the permission of the High Court or Court of Session.

Status: This is the original version (as it was originally enacted).

- 7 An award of costs or expenses against a specified body in proceedings under section 47B of the 1998 Act may not be enforced against any individual on whose behalf a claim was made or continued in those proceedings.
- 8 In this Part of this Schedule any reference to damages includes a reference to any sum of money (other than costs or expenses) which may be awarded in respect of a claim made under section 47A of the 1998 Act or included in proceedings under section 47B of that Act.