



Statutory Document No. 87/95

## THE TRADE DISPUTES ACT 1985

### THE COURTS OF INQUIRY RULES 1995

*Approved by Tynwald* 21st March, 1995

*Coming into operation* 24th March 1995

In exercise of the powers conferred on the Council of Ministers by section 4(1) of the Trade Disputes Act 1985(a), and of all other enabling powers, the following Rules are hereby made:-

#### **Citation, commencement and interpretation**

1. (1) These Rules may be cited as the Courts of Inquiry Rules 1995 and, subject to section 4(2) of the Act, shall come into operation on the 24th March 1995.

(2) In these Rules -

"the Act" means the Trade Disputes Act 1985;

"court of inquiry" means a court of inquiry established under section 3 or 3A of the Act.

(3) Any reference in these Rules to the chairman of a court of inquiry shall be construed, in the case of a court consisting of one person, as a reference to that person.

#### **Summoning of witnesses**

2. A summons under section 4(3) of the Act (attendance of witness) shall be in writing, signed by the chairman of the court of inquiry, and shall be served by post on the person to whom it is addressed not less than 3 days before the sitting of the court which he is required to attend.

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(a) 1985 c.18

### **Production of documents**

3. (1) The chairman of a court of inquiry may summon any person to produce any document in his possession or subject to his control, but no person shall be compelled under such a summons to produce a document which he could not be compelled to produce on the trial of an action.

(2) Rule 2 applies to a summons under paragraph (1) as it applies to a summons under section 4(3) of the Act.

### **Quorum of court**

4. Where a court of inquiry consists of more than one person -

(a) it may act notwithstanding any vacancy in its number, and

(b) the quorum shall be 2 members of the court.

### **Reference to committee etc.**

5. (1) A court of inquiry may refer to any one of its members, or to a committee of its members, any particular matter for investigation and examination.

(2) A member or committee to which such a matter is referred shall have the powers of the chairman of the court of inquiry.

(3) The findings of such a person or committee shall be reported to the court of inquiry, and shall have no effect unless confirmed by the court.

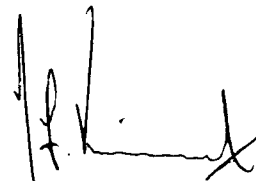
### **Procedure of court**

6. Subject to the foregoing rules, a court of inquiry may regulate its own procedure.

### **Revocation**

7. The rules made on 19th April 1945(b) under section 4(4) of the Trade Disputes Act 1936(c) are revoked.

MADE 23rd February 1995



Chief Secretary

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EXPLANATORY NOTE

*(This note is not part of the Rules.)*

These Rules apply to proceedings of a court of inquiry established under the Trade Disputes Act 1985. They prescribe the procedure for summoning witnesses (rule 2), give the court power to require documents to be produced (rule 3), prescribe the quorum (rule 4) and enable the court to delegate investigations to a member or committee (rule 5).