

may dismiss it summarily and without requiring or permitting either party to appear or furnish further evidence or argument.

(ii) When the Judge has dismissed an appeal summarily, or has refused an application for leave to appeal, the Appeals Officer shall give notice to the Clerk to the Munitions Tribunal concerned and to the appellant of the decision of the Judge.

#### *Notice to Respondent.*

9. The Appeals Officer, where an appeal is to proceed, shall send a copy of the notice of appeal to the respondent and to the Minister of Munitions.

#### *Chairman's Report.*

10 (i) The Appeals Officer, when he has received a notice of appeal or a notice of application for leave to appeal, shall, where the Judge so directs, send to the Chairman a copy of the notice, and thereupon the Chairman shall furnish to the Appeals Officer a copy of the complaint or of the notice to appear before the Munitions Tribunal, together with a report in triplicate setting out the names and addresses of the parties, the evidence in the case, the facts as found by the Tribunal, and the grounds of the decision, or such of the above-mentioned matters as the Judge may require, and shall deal in his report with the appellant's case generally, or with any point arising thereon; and either party may obtain a copy of the Chairman's report on application to the Appeals Officer.

(ii) The Judge may, if he thinks it necessary or expedient, require the chairman who has furnished a report to the Appeals Officer to furnish a further report in such manner as the Judge may direct, and the Chairman shall thereupon comply with the direction.

#### *Determination of Appeal.*

11. The Judge shall hear and determine every appeal in open court, except where the appeal is dismissed summarily or where with the written consent of both parties he thinks it expedient to determine an appeal upon the materials before him without requiring either party to appear or to furnish further evidence or argument: provided that the decision on every appeal shall, except where the appeal is dismissed summarily, be given in open court.

#### *Notice of Hearing or Determination of Appeal.*

12. The Appeals Officer shall, in every case where an appeal is to be heard or determined, at least seven days before the hearing or determination, send to the parties and to the Minister of Munitions a notice of the time and place appointed for the hearing or determination.

#### *Suspension of Penalties Pending Appeal.*

13. Where notice of appeal or notice of application for leave to appeal has been duly given, all proceedings for the recovery of any fine or costs imposed upon either party by the Munitions Tribunal shall be suspended until the abandonment, summary dismissal, or final determination of the appeal.

#### *Powers of Minister of Munitions.*

14. (i) The Minister of Munitions may with the leave of and subject to such conditions as may be imposed by the Judge appear and be heard on the hearing of any appeal; or may

(ii) At any stage of an appeal substitute himself for either party to the proceedings by giving notice in writing to the Appeals Officer and to both parties, and thereupon these rules shall apply as if the Minister of Munitions were appellant or respondent, as the case may be.

It shall be the duty of a party for whom the Minister of Munitions has substituted himself under this rule to furnish to the Minister any information, documents, matters and things in his possession or under his control relating to the proceedings which the Minister may require for the purpose of the proceedings.

#### *Appearance of Parties.*

15. Each party may, on the hearing of any appeal, appear in person and present his case orally or in writing, or may appear by counsel, or may, in lieu of appearing, send to the Appeals Officer at least two days before the hearing a statement in writing setting forth the arguments in support of his contention, and such arguments shall be considered by the Judge.

#### *Powers of Judge.*

16. The Judge may, on the hearing of any appeal, if he thinks it necessary or expedient—

(i) sit with two or some other even number of assessors selected by the Judge respectively from an employers' panel and from a workmen's panel constituted in such manner as the Minister of Munitions may direct, and may consult with such assessors;

(ii) order the production of any document or other thing relating to the proceedings; and

(iii) order any witnesses who would have been compellable witnesses before the Munitions Tribunal to attend and be examined on oath before him, whether they were or were not examined before the Munitions Tribunal; and

(iv) exercise for the purpose of the proceedings any other powers which are exercisable by any Judge of the High Court.

#### *Result of Appeal.*

17 (i) The Judge may, on the hearing of any appeal, allow or dismiss the appeal, or may order a re-hearing before the Munitions Tribunal, or may make such other order, or may give such directions as he may think just.

(ii) Where the Judge allows an appeal—

(a) an appellant who has paid the whole or any part of any fine or costs imposed upon him by the Munitions Tribunal, shall be entitled, subject to any order of the Judge, to the return of the sum paid by him;

(b) the Judge may impose any fine or make any order which it was competent for the Munitions Tribunal to have imposed or made, and may, if he thinks fit, direct that his decision shall not invalidate any leaving certificate issued or ordered to be issued by a Munitions Tribunal or any order of a Munitions Tribunal so far as it directs the issue of any leaving certificate.