STATUTORY INSTRUMENTS

1985 No. 29

INDUSTRIAL TRIBUNALS

The Employment Appeal Tribunal (Amendment) Rules 1985

Made - - - - -	10*th January* 1985
Laid before Parliament	23*rd January* 1985
Coming into Operation	1*st March* 1985

The Lord Chancellor, in exercise of the powers conferred on him by paragraphs 17 and 18 to Schedule 11 of the Employment Protection (Consolidation) Act 1978**(a)** and after consultation with the Lord President of the Court of Session, hereby makes the following Rules:—

1. These Rules may be cited as the Employment Appeal Tribunal (Amendment) Rules 1985 and shall come into operation on 1st March 1985.

2. In these Rules "the principal Rules" means the Employment Appeal Tribunal Rules 1980**(b)**.

3. Rule 3 of the principal Rules shall be amended as follows:—

(i) by substituting for paragraph (1), the following paragraphs:—

"(1) Every appeal to the Appeal Tribunal shall be instituted by serving on the Tribunal the following documents:—

(*a*) a notice of appeal in, or substantially in accordance with Form 1, 2 or 3 in the Schedule to these Rules;

(*b*) a copy of the decision or order of an industrial tribunal or of the Certification Officer which is the subject of the appeal;

(*c*) in the case of an appeal from an industrial tribunal, a copy of the full written reasons for the decision or order of that tribunal.

(1A) The period within which an appeal to the Appeal Tribunal may be instituted is 42 days from the date on which full written reasons for the decision or order of the industrial tribunal were sent to the appellant, or, in the case of an appeal from a decision of the Certification Officer, 42 days from the date on which the written record of that decision was so sent.".

(ii) there shall be substituted, in paragraph (3), for the reference to "paragraph (1)", a reference to "paragraph (1A)".

(a) 1978 c. 44. Paragraph 18 of Schedule 11 was amended by the Employment Act 1980 (c.42), section 20 and Schedule 1, paragraph 28.

(b) S.I. 1980/2035.

(iii) there shall be substituted, in paragraph (4), for the reference to "paragraph (1)", a reference to "paragraphs (1) and (1A)".

4. Rule 32 of the principal Rules shall be amended by inserting, after paragraph (2), the following new paragraph:—

"(3) The powers of the Tribunal under paragraph (2) extend to authorising the institution of an appeal notwithstanding that the period prescribed in rule 3(1A) may not have commenced.".

5. For Forms 1 and 3 in the Schedule to the principal Rules there shall be substituted the following forms:

"FORM 1 Rule 3

Notice of Appeal from Decision of Industrial Tribunal

1. The appellant is (*name and address of appellant*).

2. Any communication relating to this appeal may be sent to the appellant at (*appellant's address for service, including telephone number if any*).

3. The appellant appeals from (*here give particulars of the decision of the industrial tribunal from which the appeal is brought*)

on the following question of law:
(*here set out the question of law on which the appeal is brought*).

4. The parties to the proceedings before the industrial tribunal, other than the appellant, were (*names and addresses of other parties to the proceedings resulting in decision appealed from*).

5. A copy of the industrial tribunal's decision or order and of the full written reasons for that decision or order are attached to this notice.

Date Signed

FORM 3

Notice of Appeal from Decision of Industrial Tribunal under Section 4(8) *of the Employment Act* 1980

1. The appellant is (*name and address of appellant*).

2. Any communication relating to this appeal may be sent to the appellant at (*appellant's address for service, including telephone number if any*).

3. The appellant appeals from: (*here give particulars of the decision of the industrial tribunal from which the appeal is brought*).

4. The appellant's grounds of appeal are:
(*here state the grounds of appeal*).

5. Insofar as the appeal relates to the findings of fact by the industrial tribunal, the appellant states

(*a*) that the following findings of fact by the industrial tribunal were wrong:

(*b*) and that the industrial tribunal should have found the facts to be as follows:

6. A copy of the industrial tribunal's decision or order and of the full written reasons for that decision or order are attached to this notice.

Date Signed "

6. After rule 25 of the principal Rules there shall be inserted the following new rule:

"*Registration and proof of awards under section 5 of the Employment Act 1980*[a] 25A—(1) This rule applies where an application has been made to the Appeal Tribunal under section 5(2) of the Employment Act 1980.

(2) Without prejudice to rule 25 of these Rules, where the Appeal Tribunal makes an order in respect of an application to which this rule applies, and that order makes an award of compensation, the Registrar shall as soon as may be enter a copy of the order, sealed with the seal of the Tribunal, into the Register.

(3) The production in any proceedings in any court of a document, purporting to be certified by the Registrar of the Appeal Tribunal to be a true copy of an entry in the Register of an order to which this rule applies shall, unless the contrary is proved, be sufficient evidence of the document and of the facts stated therein."

Hailsham of St. Marylebone, C.

Dated 10th January 1985.

(a) 1980 c. 42.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the Employment Appeal Tribunal Rules 1980 so as to make new provision for instituting appeals from industrial tribunals in England, Wales and Scotland to the Employment Appeal Tribunal and thus to enable effect to be given to a new procedure (to be provided by separate Instrument) for the giving of written reasons by industrial tribunals.

Provision is made for appeals from an industrial tribunal to be instituted within 42 days from the date when the full written reasons for the decision were sent to the appellant, and the notice of appeal must annexe a copy of the industrial tribunal decision and of the full written reasons.

Rule 4 of these Rules makes provision to enable the Appeal Tribunal to authorise the institution of an appeal notwithstanding that full written reasons have not been sent to the appellant.

Consequential amendments have been made to the forms for instituting appeals from industrial tribunals.

Rule 6 of these Rules inserts a new Rule 25A into the 1980 Rules, providing for the registration and proof of awards of compensation made by the Appeal Tribunal in respect of an unreasonable exclusion or expulsion from a trade union.

SI 1985/29
ISBN 0-11-056029-9

