EXPLANATORY MEMORANDUM TO

THE EMPLOYMENT TRIBUNALS (CONSTITUTION AND RULES OF PROCEDURE) (AMENDMENT) (NO. 2) REGULATIONS 2014

2014 No. 611

1. This explanatory memorandum has been prepared by the Department for Business, Innovation and Skills and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The Employment Tribunals (Constitution and Rules of Procedure) (Amendment No. 2) Regulations 2014 ("the Regulations") amend the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 (S.I. 2013/1237).

2.2 The Regulations remove the requirement for the Ministry of Justice to delete Employment Tribunal judgments over six years old.

3. Matters of special interest to the Joint Committee on Statutory Instruments

None.

4. Legislative Context

The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 introduced a new requirement on the Ministry of Justice to remove judgments from its records after six years. Following a change in the Ministry of Justice's record retention policy, this requirement will be removed.

5. Territorial Extent and Application

This instrument applies to England, Wales and Scotland.

6. European Convention on Human Rights

As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

Regulation 14 paragraph (2) of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 introduced a requirement on the Ministry of Justice to delete Employment Tribunal judgments that are over six years old. Following a change in the Ministry of Justice's record retention policy, a decision has been taken to remove this obligation and to store such judgments in a different lawful repository. Regulation 14 paragraph (2) must be removed to allow for this change in policy.

8. Consultation outcome

8.1 No formal consultation has taken place, however the Ministry of Justice has received representations in favour of this amendment.

9. Guidance

Extensive guidance on Employment Tribunals is produced by Her Majesty's Courts and Tribunal Service. This will be updated to reflect this change.

10. Impact

10.1 The impact on business, charities or voluntary bodies is nil in cost.

10.2 The impact on the public sector is nil in cost.

10.3 An Impact Assessment has not been prepared for this instrument. One was published for the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013, and is available on the OPSI website.

11. Regulating small business

The Regulations have no affect on small business.

12. Monitoring & review

The effectiveness of the Regulations will be monitored as part of the data that Her Majesty's Courts and Tribunal Service collect on the administration of Employment Tribunals.

13. Contact

Nick Morgan at the Department for Business Innovation and Skills, (tel: 020 7215 8543 or email: nick.morgan1@bis.gsi.gov.uk) can answer any queries regarding the instrument.