STATUTORY INSTRUMENTS

2000 No. 1987

EMPLOYMENT TRIBUNALS

The Employment Tribunals (Constitution and Rules of Procedure) (Amendment) Regulations 2000

Made - - - - -	*24th July 2000*
Laid before Parliament	*26th July 2000*
Coming into force - -	*17th August 2000*

The Secretary of State, in exercise of the powers conferred on him by sections 7(1), 11(1)(a) and 41(4) of the Employment Tribunals Act 1996(**a**), and of all other powers enabling him in that behalf, and after consultation with the Council on Tribunals, hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Employment Tribunals (Constitution and Rules of Procedure) (Amendment) Regulations 2000 and shall come into force on 17th August 2000.

(2) In these Regulations, "the Principal Regulations" means the Employment Tribunals (Constitution and Rules of Procedure) Regulations 1993(**b**) and any reference to a rule in a Schedule is a reference to a rule in that Schedule to the Principal Regulations.

Amendment of regulation 8 of the Principal Regulations

2. In regulation 8(4)(b) of the Principal Regulations, for the words "section 23" there shall be substituted "section 24".

Amendment of regulation 9 of the Principal Regulations

3. For regulation 9 of the Principal Regulations there shall be substituted the following—

" **9.**—(1) The Secretary shall maintain a Register at the Office of the Tribunals which shall be open to the inspection of any person without charge at all reasonable hours.

(2) The Register shall contain—

(a) details of originating applications in accordance with rule 2 of Schedule 1;

(b) details of appeals in accordance with rule 5 of Schedule 3, rule 3 of Schedule 4 and rule 2 of Schedule 5;

(c) the fact of applications in accordance with rule 4 of Schedule 4; and

(**a**) 1996 c. 17. By virtue of section 1 of the Employment Rights (Dispute Resolution) Act 1998 (c. 8) industrial tribunals were renamed employment tribunals and references to "industrial tribunal" and "industrial tribunals" in any enactment were substituted with "employment tribunal" and "employment tribunals".

(**b**) S.I. 1993/2687; relevant instrument amending is S.I. 1996/1757.

(d) documents recording the decisions of tribunals and the reasons therefor in accordance with rule 10 of Schedule 1, rule 10 of Schedule 2, rule 11 of Schedule 3, rule 10 of Schedule 4 and rule 8 of Schedule 5.

(3) The Register, or any part of it, may be kept by means of a computer.".

Amendment of rule 2 of Schedule 1

4. For rule 2(2) of Schedule 1 there shall be substituted the following—

"(2) The Secretary shall enter such of the details of an originating application as are referred to in paragraph (4) in the Register either within 28 days of receiving it or, if that is not practicable, as soon as reasonably practicable thereafter.".

5. The following shall be inserted after rule 2(3) of Schedule 1—

"(4) The details of an originating application to be entered in the Register are—

(a) the case number;

(b) the date the Secretary received the application;

(c) the name and address of the applicant;

(d) the name and address of the respondent;

(e) the Regional Office of the Employment Tribunals dealing with the application; and

(f) the type of claim brought in general terms without reference to its particulars.

(5) In any case appearing to the Secretary to involve allegations of the commission of a sexual offence, where any person referred to in paragraph 4(c) or 4(d) appears to the Secretary to be a person affected by or making the allegations he shall omit from the Register the details in paragraph 4(c) or 4(d), as the case may be, relating to that person.".

Amendment of rule 5 of Schedule 3

6. For rule 5(a) of Schedule 3 there shall be substituted the following—

"(a) enter the following details of the appeal in the Register, namely—

(i) the case number;

(ii) the date the Secretary received the relevant documents;

(iii) the name and address of the appellant;

(iv) the name and address of the Board;

(v) the Regional Office of the Employment Tribunals dealing with the appeal; and

(vi) the fact that the appeal is an appeal by a person assessed to levy imposed under a levy order made under section 12 of the 1982 Act;".

Amendment of rules 3 and 4 of Schedule 4

7. For rule 3 of Schedule 4 there shall be substituted the following—

"**3.** Upon receiving a notice of appeal the Secretary shall—

(a) enter the following details of the appeal in the Register, namely—

(i) the case number;

(ii) the date the Secretary received the notice of appeal;

(iii) the name and address of the appellant;

(iv) the name and address of the respondent;

(v) the Regional Office of the Employment Tribunals dealing with the appeal; and

(vi) the fact that the appeal is an appeal against an improvement or prohibition notice, as the case may be, under section 24 of the 1974 Act;

(b) send a copy of the notice of appeal to the respondent; and

(c) inform the parties in writing of the case number of the appeal entered in the Register (which shall thereafter constitute the title of the proceedings) and of the address to which notices and other communications to the Secretary shall be sent.".

8. For rule 4(2) of Schedule 4 there shall be substituted the following—

"(2) Upon receiving the application, the Secretary shall enter the fact of it against the entry in the Register relating to the appeal and shall send a copy of it to the respondent.".

Amendment of rule 2 of Schedule 5

9. For rule 2 of Schedule 5 there shall be substituted the following—

"**2.**—(1) Upon receiving a notice of appeal the Secretary shall—

(a) enter the following details of the appeal in the Register, namely—

(i) the case number;

(ii) the date the Secretary received the notice of appeal;

(iii) the name and address of the appellant;

(iv) the name and address of the respondent;

(v) the Regional Office of the Employment Tribunals dealing with the appeal; and

(vi) the fact that the appeal is an appeal against a non-discrimination notice under section 68 of the 1975 Act or section 59 of the 1976 Act, as the case may be;

(b) send a copy of the notice of appeal to the respondent; and

(c) inform the parties in writing of the case number of the appeal entered in the Register (which shall thereafter constitute the title of the proceedings) and of the address to which notices and other communications to the Secretary shall be sent.

(2) In any case appearing to the Secretary to involve allegations of the commission of a sexual offence, he shall omit the details referred to in paragraph (1)(a)(iii) from the Register where that person appears to the Secretary to be a person affected by or making the allegations.".

Transitional provision

10.—(1) Subject to paragraph (2), the amendments to the Principal Regulations made by these Regulations shall apply in relation to all proceedings to which they relate, irrespective of when those proceedings were commenced.

(2) The duty of the Secretary to enter the address of the applicant, respondent, appellant or Board, as the case may be, in the Register shall apply only in relation to proceedings which are commenced on or after the date these Regulations come into force.

Alan Johnson,
Parliamentary Under-Secretary of State for Competitiveness,
Department of Trade and Industry

24th July 2000

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Employment Tribunals (Constitution and Rules of Procedure) Regulations 1993 ("the Principal Regulations"). The amendments relate to the amount of information to be placed by the Secretary on the Register, which is open to public inspection, in relation in particular to applications and appeals.

Rule 2 of Schedule 1 to the Principal Regulations is amended to provide that the following details of an originating application are to be entered in the Register—

(a) the case number;
(b) the date the Secretary received the application;
(c) the name and address of the applicant;
(d) the name and address of the respondent;
(e) the Regional Office of the Employment Tribunals dealing with the application; and
(f) the type of claim brought in general terms without reference to its particulars.

Similar amendments are included to the rules in Schedules 3, 4 and 5 to the Principal Regulations. These Schedules relate to appeals by a person assessed to levy imposed under a levy order under section 12 of the Industrial Training Act 1982, appeals against an improvement or prohibition notice under section 24 of the Health and Safety at Work etc Act 1974 and appeals against a non-discrimination notice under section 68 of the Sex Discrimination Act 1975 or section 59 of the Race Relations Act 1976.

The Regulations include transitional provision in regulation 10.

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