EXPLANATORY MEMORANDUM TO

THE EMPLOYMENT TRIBUNAL PROCEDURE RULES 2024

2024 No. 1155

AND

THE EMPLOYMENT TRIBUNALS (PROCEDURE RULES) (CONSEQUENTIAL AMENDMENTS) REGULATIONS 2024

2024 No. 1156

1. Introduction

1.1 This explanatory memorandum has been prepared by the Ministry of Justice and is laid before Parliament by Command of His Majesty.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Declaration

2.1 Heidi Alexander, Minister of State for Courts and Legal Services at the Ministry of Justice, confirms that this explanatory memorandum meets the required standard.

2.2 Dominic Lake, Deputy Director for the Civil, Tribunals, and Administration of Justice Directorate at the Ministry of Justice, confirms that this explanatory memorandum meets the required standard.

3. Contact

3.1 Amir Khandoker at the Ministry of Justice (email:Amir.Khandoker@justice.gov.uk) can be contacted with any queries regarding these instruments.

Part One: Explanation, and context, of the Instruments

4. Overview of the Instruments

What does the legislation do?

4.1 The Employment Tribunal Procedure Rules 2024 ("the 2024 Procedure Rules") are made by the Tribunal Procedure Committee ("the TPC") in combination with the Lord Chancellor (who makes those rules concerning national security), to implement the reforms to the Employment Tribunals ("the ET") introduced by the Judicial Review and Courts Act 2022 ("the JRCA 2022"). The 2024 Procedure Rules remake in substance the rules of procedure contained in Schedules 1 to 3 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013[1] ("the 2013 Regulations"). This instrument also introduces two new rules to give the ET greater

[1] S.I. 2013/1237.

flexibility to delegate functions of a judicial nature to Legal Officers[2] and expressly provides the power for the Presidents of the ET to prescribe forms by practice direction (see paragraphs 5.7 and 5.8).

4.2 The Employment Tribunals (Procedure Rules) (Consequential Amendments) Regulations 2024 ("the Consequential Amendments Regulations") amend the 2013 Regulations which contain provisions that govern the procedure to be followed in the ET. The primary purpose of the Consequential Amendment Regulations is to revoke those parts of the 2013 Regulations that contain provisions relating to procedure to facilitate the introduction of the 2024 Procedure Rules (see paragraphs 5.13 to 5.15).

Where does the legislation extend to, and apply?

4.3 The extent of these instruments (that is, the jurisdiction(s) which the instruments forms part of the law of) is England and Wales, and Scotland.

4.4 The territorial application of these instruments (that is, where the instrument produces a practical effect) is England and Wales, and Scotland.

5. Policy Context

What is being done and why?

Background

5.1 Industrial Tribunals were created by the Industrial Training Act 1964. Their original jurisdiction was over appeals from the imposition of a levy by an industrial training board. The scope of their jurisdiction has increased significantly since then. The ET (as renamed in 1998[3]) are now the main judicial forums for deciding disputes between workers and employers, including claims for unauthorised deductions of wages, unfair dismissal, discrimination, whistleblowing, redundancy, and equal pay. The ET also have jurisdiction over certain types of statutory appeal, such as appeals against health and safety improvement and prohibition notices. There are two different territorial jurisdictions for the ET: England and Wales, and Scotland.

5.2 By virtue of the Tribunals, Courts and Enforcement Act 2007 ("the TCEA"), the tribunal system was extensively reformed through the establishment of a two-tier tribunal system, comprising of the First-tier Tribunal and the Upper Tribunal, referred to as the unified tribunal system. The jurisdiction of various tribunals was transferred into this unified tribunal system. Under the TCEA, the TPC was established as an independent body responsible for the making of rules to govern the practice and procedure of the unified tribunal system.

5.3 The jurisdiction of the ET and the Employment Appeal Tribunal was not transferred into the unified tribunal system; consequently, the Secretary of State for Business and Trade (and his predecessors) continued to be responsible for making procedure rules for the ET. For the Employment Appeal Tribunal, the responsibility for rule making remained with the Lord Chancellor. Rules of procedure set out how proceedings are handled in the ET and the procedural requirements to be fulfilled by parties and the ET during the different stages of the proceedings.

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[2] Legal Officers are members of staff who have been appointed under section 2(1) of the Courts Act 2003 or section 40(1) of the Tribunal, Courts and Enforcement Act 2007, and are authorised by the Senior President of Tribunals to carry out functions of a judicial nature permitted or required to be done by the ET.

[3] Section 1 of the Employment Rights (Dispute Resolution) Act 1998 (c. 8).

5.4 In April 2024, following the commencement of provisions of the JRCA 2022, the power to make rules for the ET, other than rules relating to national security, was transferred to the TPC. In respect of ET proceedings that concern national security, the power to make rules to govern those proceedings was transferred to the Lord Chancellor.

The 2024 Procedure Rules

5.5 The TPC has, in discharge of its duty under the ETA 1996, made the 2024 Procedure Rules in combination with the Lord Chancellor, who makes the rules relating to national security in exercise of her powers under the ETA 1996. The 2024 Procedure Rules are to govern the practice and procedure in the ET.

5.6 The 2024 Procedure Rules remake in substance the rules of procedure contained in Schedules 1 to 3 to the 2013 Regulations. In places, the rules have been restructured to reflect modern drafting practices and to improve clarity, as well as to remove redundant drafting and to update legislative references. It also introduces two new rules (see paragraphs 5.7 and 5.8) and modifies the application of an existing rule (see paragraphs 5.11 and 5.12). Additionally, some rules that the TPC intended to consider as part of its future work have been brought forward (see paragraphs 5.9 and 5.10).

5.7 New rule 7 implements the TPC's proposal to give the ET the power to delegate functions of a judicial nature to Legal Officers in equivalent terms to the rules that apply in the unified tribunal system. Currently, the ET's power of delegation is more restrictive when compared against the First-tier Tribunal and the Upper Tribunal. The TPC can see no justification for such a difference and has introduced this rule to provide the ET with parity with the unified tribunals. This change will allow the ET greater flexibility to delegate judicial functions to Legal Officers, which will in turn assist the ET in dealing with cases more quickly and efficiently.

5.8 New rule 9 implements the TPC's proposal to replicate, with one exception, regulation 12 of the 2013 Regulations (now revoked by the Consequential Amendments Regulations), which provided the Secretary of State the power to prescribe claim forms and response forms to be used when bringing or responding to proceedings in the ET. The difference between this new rule and regulation 12 is that the power to prescribe forms is given to the Presidents of the ET instead of the Secretary of State. The TPC considered that it would be anomalous for this power to be retained by the Secretary of State as the JRCA 2022 shifts responsibility for procedural matters in respect of the ET from the Secretary of State. The TPC also considered that this rule was consistent with section 7A of the ETA 1996 which provides the Presidents of the ET the power to issue directions as to matters of practice and procedure.

5.9 Rule 42 (replacing rule 42 of Schedule 1 to the 2013 Regulations) has been amended to clarify when the Tribunal will consider written representations. Rule 49 (replacing rule 50 of Schedule 1 to the 2013 Regulations) has been amended to confirm that the Tribunal may order addresses and other personal details to be redacted from the claim form, response form and any other documents in the proceedings. Rule 58 (replacing rule 60 of Schedule 1 to the 2013 Regulations) has been amended to clarify that decisions made by Legal Officers without a hearing should identify the Legal Officer who has made the decision. The TPC concluded that these were matters of clarification of the existing rules that did not require further consultation and should be included as part of the making of the 2024 Procedure Rules.

5.10 Changes to rules 59 and 60 (replacing rules 61 and 62 of Schedule 1 to the 2013 Regulations) have been made to replace the requirement for the written record and written reasons of ET decisions to be signed by an Employment Judge, as a presiding member, with a requirement that they be approved by the presiding member. The view on the signing of written reasons was obtained by a separate TPC consultation on written reasons in all chambers of the First-tier Tribunal and the ET (see paragraphs 7.17 and 7.18).

5.11 In addition, rule 98 (replacing rule 99 of Schedule 1 to the 2013 Regulations), which governs the transfer of cases between the two jurisdictions, is amended to implement the TPC's proposal to allow, in Scotland, the Vice President (in addition to the President of the ET(Scotland)) to be able to consent to the transfer of a case to Scotland. This change is necessary to address operational delays that can occur if the President (Scotland) is on leave or is otherwise unavailable. The rule was also restructured during the drafting process to improve clarity and to ensure that the consent provisions for the transfer of cases applied consistently between the two jurisdictions. By extending the rule to allow the Vice President to consent to transfer of cases to Scotland, it would have been anomalous not to make corresponding provision for Regional Employment Judges to consent to the transfer of cases to England and Wales as they are the nearest equivalent to the Vice President.

5.12 The 2024 Procedure Rules do not remake those rules in the 2013 Regulations that relate to ET fees as there are currently no fees payable in England and Wales, and Scotland. ET fees were originally introduced in 2013 but were later ruled unlawful by the Supreme Court in 2017[4]. The rules relating to fees remained in the 2013 Regulations but in the absence of ET fees, these rules no longer had any legal effect. In addition, the 2024 Procedure Rules do not remake rule 2(2) of, and the Annex to, Schedule 3 to the 2013 Regulations. These provisions relate to the indicative timetable to which the ET are required to have regard in proceedings relating to equal value claims[5]. The TPC considered that it would be inappropriate to remake these rules, as in practice the progress of equal value claims in the ET has little to no correlation with the indicative timetable. In any event, the TPC considered that such matters were more appropriately dealt with through guidance or practice directions issued by the ET Presidents rather than by rules.

The Consequential Amendments Regulations

5.13 In addition, the JRCA 2022 gives the Lord Chancellor the power by regulations to make such amendments to other enactments as are necessary or desirable, to facilitate the making of, or are in consequence of, the 2024 Procedure Rules. In exercise of that power, the Lord Chancellor makes the Consequential Amendments Regulations. This instrument revokes those parts of the 2013 Regulations that contain provisions relating to procedure, including revoking the rules of procedure contained in Schedules 1 to 3 to the 2013 Regulations. It also makes minor consequential amendments to other statutory instruments to substitute references from the 2013 Regulations to the 2024 Procedure Rules in consequence of the 2024 Procedure Rules coming into force.

[4] *R (Unison) v Lord Chancellor* [2017] UKSC 51.

[5] An equal value claim is a claim that relates to a breach of a sex equality clause or rule within the meaning of the Equality Act 2010 (c. 15) in a case involving work within section 65(1)(c) of that Act.

5.14 Furthermore, the Consequential Amendments Regulations resituates rules 105(1) and 105A(1) of Schedule 1 to the body of the 2013 Regulations, as new regulations 14A and 14B, respectively, so as to survive the general revocation of Schedule 1. Regulations 14A and 14B prescribe the period by which an appellant may bring an appeal against a prohibition notice or improvement notice issued under the Health and Safety at work etc. Act 1974 ("the 1974 Act") or the Energy Act 2013, respectively. The TPC's power under section 37QA of the Employment Tribunals Act 1996 ("the ETA 1996") does not extend to allow the TPC to make rules to specify the time limits for appeals under the 1974 Act or the Energy Act 2013. Previously, rule 105(1) was introduced by the Secretary of State in exercise of the powers under section 24(2) (when read with section 53(1)) of the 1974 Act. Similarly, rule 105A(1) was introduced by the Secretary of State in exercise of the power under paragraph 6(2) of Schedule 8 to the Energy Act 2013.

5.15 The amendments made by the Consequential Amendments Regulations as set out in paragraphs 5.13 to 5.14 are intended to facilitate the TPC's making of the 2024 Procedure Rules or are in consequence to the 2024 Procedure Rules. The 2024 Procedure Rules set out the procedure that applies to the ET, including in appeals against notices issued under the 1974 Act and the Energy Act 2013, and is laid at the same time as this instrument.

What was the previous policy, how is this different?

5.16 The policy intention at the time of the passage of the JRCA 2022 was to transfer the ET rule making power to the TPC. This reflected the then Government's response to a 2016 consultation on reforming the ET structure, which recognised the need for the ET structure to be updated and brought into line with the wider tribunal system.

5.17 The then Government considered the TPC, as an independent body, to be better placed to make and amend rules for the ET. This transfer of responsibility intended to allow for rules of procedure to be introduced, amended, and revised more frequently to reflect changes in legislation and to respond to challenges faced by the ET more rapidly. This would in turn support the ET to deal with proceedings more quickly and efficiently.

The consultation ran over the period from 5 December 2016 to 20 January 2017 and can be found here:

https://assets.publishing.service.gov.uk/media/5a7f2167e5274a2e8ab4a4cc/Reforming_the_Employment_Tribunal_System_-_Consultation_Document_v3.pdf

6. Legislative and Legal Context

How has the law changed?

6.1 The JRCA 2022 makes a number of amendments to the ETA 1996 to reform the governance of the ET, including transferring the responsibility of rule making from the Secretary of State.

6.2 Section 34(2) of the JRCA 2022 substitutes section 7 of the ETA 1996 and subsection (4) of that section inserts a new section 37QA to the ETA 1996. These provisions require the TPC to make rules to govern the practice and procedure to be followed in the ET. Subsection (1) of section 37QA specifies that rules made by the TPC are to be called the "Employment Tribunal Procedure Rules", and subsection (2) of that section provides that reference in the ETA 1996 to the "Procedure Rules" are to these rules.

6.3 Part 1 of Schedule 5 to the JRCA 2022 inserts a new Schedule A1 to the ETA 1996. This Schedule makes further provision as to the objectives, content, and procedure for the making of the 2024 Procedure Rules. This Schedule is in equivalent terms to the provisions that govern the making, and content of, tribunal rules made by the TPC under the TCEA.

6.4 Part 2 of Schedule 5 to the JRCA 2022 makes further amendments to the ETA 1996, which includes amending existing provision, which operates by reference to the "Employment Tribunal Procedure Regulations", to be operated instead by reference to the "Procedure Rules".

6.5 Paragraph 6 of Schedule 5 to the JRCA 2022 amends section 10 to the ETA 1996 to provide the Lord Chancellor with the power by regulations to make provisions for proceedings in the ET where issues in relation to national security may arise.

6.6 In addition, Paragraph 24 of Schedule 5 to the JRCA 2022 inserts a new section 37QB to the ETA 1996. Section 37QB provides the Lord Chancellor the power by regulations to amend, repeal, or revoke any enactment to the extent necessary or desirable to facilitate the making of, or is in consequence of, the 2024 Procedure Rules.

6.7 Section 34 (other than subsection (3)) of, and Schedule 5, paragraphs 1, 4 to 12, 14 to 17, and 23 to 28 to the JRCA 2022 were commenced by the Judicial Review and Courts Act 2022 (Commencement No. 6) Regulations 2024[6] and came into force on 25 April 2024.

6.8 The TPC, in combination with the Lord Chancellor, make the 2024 Procedure Rules in exercise of the powers under the ETA 1996 (as amended by the JRCA 2022). The 2024 Procedure Rules introduce a new set of rules of procedure that govern the practice and procedure in the ET. The detail of the changes made by this instrument are set out in paragraphs 5.6 to 5.11.

6.9 The Lord Chancellor in exercise of the power under section 37QB of the ETA 1996 makes the Consequential Amendment Regulations. The details of the changes made by this instrument are set out in paragraphs 5.13 to 5.15.

Why was this approach taken to change the law?

6.10 This is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 The TPC must, before making the 2024 Procedure Rules, consult such persons as they consider appropriate (paragraph 21 of Schedule A1 to the ETA 1996, read together with paragraph 28(1) of Schedule 5 to the TCEA). The TPC has publicly consulted on its intention to make procedure rules that are to govern the practice and procedure in the ET ("the Consultation"). The Consultation ran between 3 April 2024 to 26 June 2024 and can be found here:

https://assets.publishing.service.gov.uk/media/660d793d75831500114a49d8/et-rules-consultation.pdf

[6] S.I. 2024/568.

7.2 There were nine responses to the Consultation. The feedback from respondents and the TPC's reply to the Consultation can be found here:

https://assets.publishing.service.gov.uk/media/67405d4902bf39539bdee840/tpc-employment-consultation-response.pdf

7.3 The Consultation set out the TPC's proposal to give effect to the transfer of rule-making responsibility by initially making a new set of procedure rules that are in substance the same as the existing rules contained in the 2013 Regulations. The TPC did not anticipate the need to make any significant changes of substance to the rules immediately, as on balance, the TPC considered that the current rules are working well. However, the TPC did consider that there were a number of areas where substantive changes to rules should be considered at a later date. This future work on the 2024 Procedure Rules is outlined at paragraphs 32 to 36 of the Consultation and will be subject to a further consultation in due course.

7.4 Although the TPC did not consider that substantive changes would be needed to introduce the 2024 Procedure Rules, it noted that changes would be necessary to reflect modern drafting practice, as well as to make minor and technical amendments (such as removing redundant references and definitions). The TPC did not consider that those changes would have any impact on the substance of the 2024 Procedure Rules.

7.5 Additionally, the TPC consulted on the proposal to introduce two new rules and to modify an existing rule relating to the transfer of proceedings between jurisdictions (see paragraphs 5.7, 5.8, 5.11, and 5.12).

7.6 Each of the nine respondents to the Consultation provided a response to all of the Consultation questions. Seven respondents agreed with the TPC's proposal to make a new set of procedure rules which are in substance the same as the rules contained in the 2013 Regulations. Two respondents did not express a view to this question. Five respondents also made observations about the 2013 Regulations and about other potential changes, which the TPC has noted to inform its future work. In light of the support for the proposed approach, the TPC concluded that it should proceed.

7.7 Eight of the respondents agreed to the TPC's proposed approach to remake the rules and Schedules 2 and 3, stating that the continuity would be beneficial. One respondent did not express a view on this question but did observe that it would be beneficial for a wider pool of qualified independent experts be appointed under Schedule 3 and also suggested that the TPC make amendments to add additional flexibility within the rules to deal with the increasing complexity of equal value claims.

7.8 With regards to the respondent's suggestions, the TPC concluded that widening the pool of qualified independent experts was a matter outside the TPC's rule making powers. In relation to providing additional flexibility to Schedule 3, the TPC concluded that any attempts to make these rules more flexible would go beyond the scope of the initial rule making exercise but noted these suggestions to inform its future work.

7.9 In light of the support from respondents, the TPC concluded that it should maintain a comparable structure to the procedure rules contained in the 2013 Regulations. Rules that apply to proceedings generally are found in the body of the 2024 Procedure Rules. In respect to the rules for proceedings relating to national security, the Lord Chancellor has agreed to the TPC's proposal that these should be made in the same instrument and are contained in Schedule 1 to the 2024 Procedure Rules, with rules

relating to equal value claims made by the TPC found in Schedule 2. Additionally, the Lord Chancellor acknowledges the support from respondents and the views of the TPC that the current rules are working well and has remade the national security rules which are in substance the same as the existing rules contained Schedule 2 to the 2013 Regulations.

7.10 Eight respondents agreed that the Senior President of Tribunals ("the SPT") should have the power to delegate any judicial function under the rules to staff, subject to a fresh consideration by a judge. The respondent that disagreed with the proposal considered that the delegation to staff should be constrained to largely non-judicial functions because staff may not have appropriate expertise or training necessary to exercise judicial functions, and that such staff are also not governed by the same guiding principles on judicial conduct as judges.

7.11 The TPC concluded that it is appropriate to proceed with the proposal as this would harmonise the approach to the delegation of judicial functions to staff in the ET with that in the First-tier Tribunal. The TPC recognise that there are legitimate concerns that the use of Legal Officers should not be overused or allowed to carry out functions that should be performed by judges. However, the TPC concluded that these are issues that can be properly dealt with by the SPT and the ET Presidents. Moreover, the absolute right to have any decision considered afresh by a judge was a significant check on the possibility of Legal Officers being deployed inappropriately.

7.12 Seven respondents agreed that the SPT's power of delegation should be exercised through a practice statement instead of a practice direction as it would ensure that the ET are consistent with the other tribunals. Two respondents disagreed with the proposal and argued that the requirement to use a practice direction is important as it makes clear what powers have been delegated to Legal Officers and ensures a degree of consistency and transparency.

7.13 The TPC concluded that the 2024 Procedure Rules should not require the power of delegation to be exercised through a practice direction. The TPC concluded that there was not a significant loss of either transparency or consistency as a result of removing the requirement that delegation occur through a practice direction.

7.14 All nine respondents agreed with the TPC's proposal to remake regulation 12, while moving the power to prescribe the claim and response forms from the Secretary of State to the ET Presidents. In light of this support, the TPC concluded to go ahead with this proposal.

7.15 All nine respondents agreed with the proposed changes to rule 99 (now rule 98) to allow the transfer of cases between jurisdiction to be authorised by the Vice President. All respondents agreed that these measures were sensible and enabled efficiency, flexibility, and practicality within the ET. In light of the support, the TPC concluded that it was appropriate to go ahead with the proposal, as well as to extend the power to allow Regional Employment Judges to consent to a transfer. These are the nearest equivalent posts in England and Wales, which does not have a Vice President.

7.16 The TPC undertook a separate consultation on written reasons in all chambers of the First-tier Tribunal and the ET, which ran between 30 July 2024 to 22 October 2024 ("the Written Reasons Consultation"). A copy the Written Reasons Consultation can be found here: https://assets.publishing.service.gov.uk/media/66a35cd6a3c2a28abb50d79b/TPC_written_reasons_consultation_document.pdf.

7.17 A full response to the Written Reasons Consultation will be published in due course. However, in respect to question 12 of the Written Reasons Consultation (which sought views on whether it was appropriate to remove the requirement for the Employment Judge, as presiding member, to sign the written reasons), there were eleven responses. There were eight respondents in favour and three respondents not in favour of the proposal. The respondents who were in favour of the change agreed that this requirement was not necessary in light of increasing digitisation of the tribunal system and that it would be sufficient for the approval of the Employment Judge to be given by other means. The observations from respondents who disagreed with the proposal were: they did not consider there to be an existing issue; a signature added gravitas to ET decisions; and a signature on ET decisions is an important provision that should be retained.

7.18 The TPC concluded that, in light of the support from the majority of respondents, it was appropriate to implement this change, and that it was more efficient for this change to be included as part of the making of the 2024 Procedure Rules.

7.19 As the Consequential Amendments Regulations make amendments that are consequential to the making of the 2024 Procedure Rules, a public consultation was not needed. However, the Lord Chancellor considered the views of the TPC, the Department for Business and Trade, the Health and Safety Executive, and His Majesty's Courts and Tribunals Service during the drafting of this instrument.

8. Applicable Guidance

8.1 His Majesty's Courts and Tribunals Service produces guidance for each tribunal jurisdiction, which is issued to parties at key stages of the proceedings, and can be found here: https://www.gov.uk/courts-tribunals/employment-tribunal.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for these instruments because the Consequential Amendments Regulations make consequential amendments only and the 2024 Procedure Rules relate to the maintenance of the existing procedural regime. The costs resulting from this legislation is also expected to be well below the threshold of £10 million a year required to produce a full impact assessment.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities, or voluntary bodies because these instruments largely maintain the existing procedural regime in the ET and make minor consequential amendments.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector because these instruments maintain the existing procedural regime that operates within a specific area of the justice system that do not affect how public sector bodies operate.

10. Monitoring and review

10.1 The TPC are responsible for monitoring and reviewing the 2024 Procedure Rules (other than those rules made by the Lord Chancellor). The rules made by the Lord

Chancellor will be monitored and reviewed by the Ministry of Justice on behalf of the Lord Chancellor. The approach to monitoring this legislation is by evaluating the feedback given by the ET, His Majesty's Courts and Tribunals Service, and users of the ET to the TPC, or to officials in the Ministry of Justice.

10.2 These instruments do not include a statutory review clause.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 These instruments are matters of special interest to Parliament as both the 2024 Procedure Rules and the Consequential Amendments Regulations are being laid on the same day. These instruments have been sequenced so that the Consequential Amendments Regulations come into force first, with the 2024 Procedure Rules coming into force immediately thereafter. This sequencing was chosen in order to ensure that the new regulations 14A and 14B (see paragraph 5.14 and 5.15) are resituated into the body of the 2013 Regulations ahead of the coming into force of the rules that apply to those proceedings.

11.2 Additionally, the 2024 Procedure Rules rely on section 105 of the Deregulation Act 2015 to combine the Lord Chancellor's regulation making powers under sections 10(2), (5) to (7), and 41(4) of the ETA 1996 (to make provisions in relation to national security proceedings), with the TPC's power to make Procedure Rules (see paragraphs 5.4, 5.5, and paragraphs 6.2 to 6.5), to make a single instrument in order to maintain a comparable structure to the procedure rules contained in the 2013 Regulations. As is customary, section 105 of the Deregulation Act 2015 has not been cited in the preamble to the 2024 Procedure Rules.

12. European Convention on Human Rights

12.1 As these instruments are subject to the negative resolution procedure and do not amend primary legislation, no statement is required.

13. The Relevant European Union Acts

13.1 These instruments are not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("the relevant European Union Acts").