

## SCHEDULE 1

### FAIR EMPLOYMENT TRIBUNAL RULES OF PROCEDURE

#### *How to bring a claim*

##### **Starting a claim**

1.—(1) A claim shall be brought before a tribunal by the claimant presenting to the Office of the Tribunals the details of the claim in writing. Those details must include all the relevant required information (subject to paragraph (5)).

(2) Subject to paragraph (3), unless it is a claim in proceedings described in regulation 8(3), a claim which is presented on or after 1st October 2005 must be presented on a claim form which has been prescribed by the Department in accordance with regulation 8.

(3) Where a claim described in paragraph (2) has not been presented using the prescribed form but the Secretary is satisfied that –

- (a) the information provided in the claim is substantially the same as the information which would have been provided had the prescribed form been used; and
- (b) the form in which the claim is presented is not calculated to mislead,

that claim shall be taken to have been presented on a claim form prescribed by the Department in accordance with regulation 8.

(4) Subject to paragraph (5), the required information in relation to the claim is –

- (a) each claimant's name;
- (b) each claimant's address;
- (c) the name of each person against whom the claim is made (“the respondent”);
- (d) each respondent's address;
- (e) details of the claim;
- (f) whether or not the claimant is or was an employee of the respondent;
- (g) whether or not the claimant has raised the subject matter of the claim with the respondent in writing at least 28 days prior to presenting the claim to the Office of the Tribunals; and
- (h) if the claimant has not done as described in sub-paragraph (g), why he has not done so.

(5) In the following circumstances the required information identified below is not required to be provided in relation to that claim –

- (a) if the claimant is not or was not an employee of the respondent, the information in paragraph (4)(g) and (h) is not required;
- (b) if the claimant was an employee of the respondent and has raised the subject matter of the claim with the respondent as described in paragraph (4)(g), the information in paragraph (4)(h) is not required.

(6) Two or more claimants may present their claims in the same document if their claims arise out of the same set of facts.

(7) When Article 20 of the Employment Order applies to the claim or part of one and a chairman considers in accordance with paragraph (5) of Article 20 that there has been a breach of paragraphs (1) to (3) of that Article, neither a chairman nor a tribunal shall consider the substance of the claim (or the relevant part of it) until such time as those paragraphs have been complied with in relation to the claim or the relevant part of it.