

*These notes refer to the Employment Act 2008 (c.24)
which received Royal Assent on 13 November 2008*

EMPLOYMENT ACT 2008

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Dispute resolution

Section 4: Determination of proceedings without hearing

26. Section 7(3A) of ETA 1996 provides that employment tribunals may be authorised to decide cases without any hearing. Although this wide power was inserted into ETA 1996 in 2002, it has not been used. All cases in the employment tribunal are currently decided at a hearing before a full tribunal panel or a chairman sitting alone.
27. [Section 4](#) inserts a new section 7(3AA) and 7(3AB) into the ETA 1996 to specify that employment tribunal procedure for determinations without hearing must ensure that all parties to the proceedings consent in writing to the process. The section also ensures that tribunals may continue to issue default judgments without a hearing, and that the consent of parties is not required in these circumstances.