
STATUTORY INSTRUMENTS

2001 No. 1170

EMPLOYMENT TRIBUNALS, SCOTLAND

The Employment Tribunals (Constitution and
Rules of Procedure) (Scotland) Regulations 2001

Made - - - - 23rd March 2001

Laid before Parliament 27th March 2001

Coming into force 18th April 2001

ARRANGEMENT OF REGULATIONS

1. Citation and commencement.
2. Interpretation.
3. President of Employment Tribunals.
4. Establishment of employment tribunals.
5. Panels of members of tribunals.
6. Further panels in national security cases.
7. Modification of section 4 of the Employment Tribunals Act 1996.
8. Regional Chairmen.
9. Composition of tribunals.
10. Overriding objective.
11. Proceedings of tribunals.
12. Register.
13. Proof of decisions of tribunals.
14. Transitional provision.
15. Revocations.
Signature

SCHEDULE 1 — THE EMPLOYMENT TRIBUNALS RULES OF PROCEDURE
(SCOTLAND)

1. Originating application.
2. Action upon receipt of originating application.
3. Appearance by respondent.
4. Case management.
5. Time and place of hearing.
6. Entitlement to bring or contest proceedings.
7. Pre-hearing review.
8. National security.

9. Dismissals in connection with industrial action.
10. The hearing.
11. Procedure at hearing.
12. Decision of tribunal.
13. Review of tribunal's decision.
14. Expenses.
15. Miscellaneous powers.
16. Restricted reporting orders.
17. Extension of time.
18. Devolution issues.
19. Sisted and representative respondents.
20. Combined proceedings.
21. Transfer of proceedings.
22. References to the European Court of Justice.
23. Notices etc.

SCHEDULE 2 — THE EMPLOYMENT TRIBUNALS (NATIONAL SECURITY) COMPLEMENTARY RULES OF PROCEDURE (SCOTLAND)*For use only in proceedings in which a power conferred on the Minister or the tribunal by rule 8(1), (2) or (3) of Schedule 1 is exercised*

1. Modification of rule 3 of Schedule 1 (appearance by respondent).
2. Modification of rule 4 of Schedule 1 (case management).
3. Modification of rule 7 of Schedule 1 (pre-hearing review).
4. Insertion of rules 7A and 7B into Schedule 1 (special advocate and reasons for the tribunal's decision in national security cases).
5. Modification of rule 10 of Schedule 1 (the hearing).
6. Modification of rule 11 of Schedule 1 (procedure at hearing).
7. Modification of rule 12 of Schedule 1 (decision of tribunal).
8. Modification of rule 13 of Schedule 1 (review of tribunal's decision).

SCHEDULE 3 — THE EMPLOYMENT TRIBUNALS (EQUAL VALUE) COMPLEMENTARY RULES OF PROCEDURE (SCOTLAND)*For use only in proceedings involving an equal value claim*

Part I — *—(ordinary cases)*

1. Modification of rule 4 of Schedule 1 (case management).
2. Insertion of rule 10A into Schedule 1 (procedure relating to expert's report).
3. Modification of rule 11 of Schedule 1 (procedure at hearing).
4. Modification of rule 12 of Schedule 1 (decision of tribunal).
5. Modification of rule 14 of Schedule 1 (expenses).
6. Modification of rule 15 of Schedule 1 (miscellaneous powers).
7. Modification of rule 23 of Schedule 1 (notices etc).

Part II — *—(national security cases)*

1. Modification of rule 4 of Schedule 1 (case management).
2. Insertion of rule 7B into Schedule 1 (reasons for the tribunal's decisions in national security cases).
3. Modification of rule 11 of Schedule 1 (procedure at hearing).
4. Modification of rule 12 of Schedule 1 (decision of tribunal).

SCHEDULE 4 — THE EMPLOYMENT TRIBUNALS (LEVY APPEALS) RULES OF PROCEDURE (SCOTLAND)*For use only in proceedings on levy appeals*

1. Notice of appeal.
 2. Action upon receipt of appeal.
 3. Further particulars of appeal.
 4. Withdrawal of appeal or assessment.
 5. Entry of appeal.
 6. Directions for further particulars.
 7. Attendance of witnesses and recovery of documents.
 8. Time and place of hearing of appeal.
 9. The hearing.
 10. Procedure at hearing.
 11. Devolution issues.
 12. Decision of tribunal.
 13. Expenses.
 14. Miscellaneous powers.
 15. Applications.
 16. Notices etc.
- Appendix —

Form 1. Notice of appeal against an assessment.

Form 2. Notice of hearing.

SCHEDULE 5 — THE EMPLOYMENT TRIBUNALS (IMPROVEMENT AND PROHIBITION NOTICES APPEALS) RULES OF PROCEDURE (SCOTLAND)*For use only in proceedings on an appeal against an improvement or prohibition notice*

1. Notice of appeal.
2. Time limit for bringing appeal.
3. Action upon receipt of notice of appeal.
4. Application for direction suspending the operation of a prohibition notice.
5. Power to require attendance of witnesses and production of documents etc.
6. Time and place of hearing and appointment of assessor.
7. The hearing.
8. Written representations.
9. Procedure at hearing.
10. Devolution issues.
11. Decision of tribunal.
12. Review of tribunal's decision.
13. Expenses.
14. Miscellaneous powers.
15. Notices etc.

SCHEDULE 6 — THE EMPLOYMENT TRIBUNALS (NON-DISCRIMINATION NOTICES APPEALS) RULES OF PROCEDURE (SCOTLAND)*For use only in proceedings on an appeal against a non-discrimination notice*

1. Notice of appeal.
2. Action upon receipt of notice of appeal.
3. Power to require attendance of witnesses and production of documents etc.
4. Time and place of hearing.
5. The hearing.
6. Written representations.
7. Procedure at hearing.
8. Devolution issues.
9. Decision of tribunal.

10. Review of tribunal's decision.
11. Expenses.
12. Miscellaneous powers.
13. Restricted reporting orders.
14. Notices etc.

SCHEDULE 7 — REVOCATIONS

Explanatory Note