
STATUTORY INSTRUMENTS

2004 No. 1861

EMPLOYMENT TRIBUNALS

**The Employment Tribunals (Constitution
and Rules of Procedure) Regulations 2004**

Made - - - - - *19th July 2004*

Laid before Parliament *20th July 2004*

Coming into force *1st October 2004*

ARRANGEMENT OF REGULATIONS

1. Citation, commencement and revocation
 2. Interpretation
 3. Overriding objective
 4. President of Employment Tribunals
 5. Establishment of employment tribunals
 6. Regional Chairmen
 7. Vice President
 8. Panels of members of tribunals – general
 9. Composition of tribunals - general
 10. Panels of members of tribunals – national security proceedings
 11. Composition of tribunals – national security proceedings
 12. Modification of section 4 of the Employment Tribunals Act (national security proceedings)
 13. Practice directions
 14. Power to prescribe
 15. Calculation of time limits
 16. Application of Schedules 1-5 to proceedings
 17. Register
 18. Proof of decisions of tribunals
 19. Jurisdiction of tribunals in Scotland and in England & Wales
 20. Transitional provisions
- Signature

HOW TO BRING A CLAIM

1. Starting a claim

ACCEPTANCE OF CLAIM PROCEDURE

2. What the tribunal does after receiving the claim
3. When the claim will not be accepted by the Secretary

RESPONSE

4. Responding to the claim

ACCEPTANCE OF RESPONSE PROCEDURE

5. What the tribunal does after receiving the response
6. When the response will not be accepted by the Secretary
7. Counterclaims

CONSEQUENCES OF A RESPONSE NOT BEING PRESENTED OR ACCEPTED

8. Default judgments
9. Taking no further part in the proceedings

CASE MANAGEMENT

10. General power to manage proceedings
11. Applications in proceedings
12. Chairman acting on his own initiative
13. Compliance with orders and practice directions

DIFFERENT TYPES OF HEARING

14. Hearings - general
15. Use of electronic communications
16. Hearings which may be held in private

CASE MANAGEMENT DISCUSSIONS

17. Conduct of case management discussions

PRE-HEARING REVIEWS

18. Conduct of pre-hearing reviews
19. Notice requirements

PAYMENT OF A DEPOSIT

20. Requirement to pay a deposit in order to continue with proceedings

CONCILIATION

21. Documents to be sent to conciliators
22. Fixed period for conciliation
23. Early termination of conciliation period
24. Effect of staying or sisting proceedings on the conciliation period

WITHDRAWAL OF PROCEEDINGS

25. Right to withdraw proceedings

THE HEARING

26. Hearings
27. What happens at the Hearing

ORDERS, JUDGMENTS AND REASONS

28. Orders and judgments
29. Form and content of judgments
30. Reasons
31. Absence of chairman
32. The Register

POWER TO REVIEW JUDGMENTS AND DECISIONS

33. Review of default judgments
34. Review of other judgments and decisions
35. Preliminary consideration of application for review
36. The review
37. Correction of judgments, decisions or reasons

COSTS ORDERS AND ORDERS FOR EXPENSES

38. General power to make costs and expenses orders
39. When a costs or expenses order must be made
40. When a costs or expenses order may be made
41. The amount of a costs or expenses order

PREPARATION TIME ORDERS

42. General power to make preparation time orders
43. When a preparation time order must be made
44. When a preparation time order may be made
45. Calculation of a preparation time order
46. Restriction on making costs or expenses orders and preparation time orders
47. Costs, expenses or preparation time orders when a deposit has been taken

WASTED COSTS ORDERS AGAINST REPRESENTATIVES

48. Personal liability of representatives for costs

POWERS IN RELATION TO SPECIFIC TYPES OF PROCEEDINGS

49. Sexual offences and the Register
50. Restricted reporting orders
51. Proceedings involving the National Insurance Fund
52. Collective agreements
53. Employment Agencies Act 1973
54. National security proceedings
55. Dismissals in connection with industrial action
56. Devolution issues
57. Transfer of proceedings between Scotland and England & Wales
58. References to the European Court of Justice

59. Transfer of proceedings from a court

GENERAL PROVISIONS

60. Powers
61. Notices, etc

SCHEDULE 2 — THE EMPLOYMENT TRIBUNALS (NATIONAL SECURITY)
RULES OF PROCEDURE

1. Application of Schedule 2
2. Notification of national security proceedings
3. Responding to a claim
4. Serving of documents by the Secretary
5. Default judgment
6. Witness orders and disclosure of documents
7. Case management discussions and pre-hearing reviews
8. Special advocate
9. Hearings
10. Reasons in national security proceedings
11. Correction of written reasons
12. Review of judgments or decisions

SCHEDULE 3 — THE EMPLOYMENT TRIBUNALS (LEVY APPEALS) RULES
OF PROCEDURE

For use only in proceedings on levy appeals

1. Application of Schedule 1
2. Definitions
3. Notice of Appeal
4. Action on receipt of appeal
5. Requests for further information
6. Withdrawal of appeal or assessment
7. Entry of appeal
8. Order for further information
9. Provisions of Schedule 1 which do not apply to levy appeals
10. Modification of Schedule 1

SCHEDULE 4 — THE EMPLOYMENT TRIBUNALS (HEALTH AND SAFETY
– APPEALS AGAINST IMPROVEMENT AND PROHIBITION
NOTICES) RULES OF PROCEDURE

1. Application of Schedule 1
2. Definitions
3. Notice of appeal
4. Time limit for bringing appeal
5. Action on receipt of appeal
6. Application for a direction suspending the operation of a prohibition notice
7. General power to manage proceedings
8. Appointment of an assessor
9. Right to withdraw proceedings
10. Costs and expenses
11. Provisions of Schedule 1 which do not apply to appeals against improvement notices or prohibition notices
12. Modification of Schedule 1

SCHEDULE 5 — THE EMPLOYMENT TRIBUNALS (NON-DISCRIMINATION
NOTICES APPEALS) RULES OF PROCEDURE

1. Application of Schedule 1
2. Definitions
3. Notice of Appeal
4. Action on receipt of appeal
5. Provisions of Schedule 1 which do not apply to appeals against non-discrimination notices
6. Modification of Schedule 1

Explanatory Note