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STATUTORY INSTRUMENTS

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**2004 No. 1861**

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

**Transitional provisions**

**20.**—(1) These Regulations and Schedules 1 to 5 to them shall apply in relation to all proceedings to which they relate where those proceedings were commenced on or after 1 October 2004.

(2) These Regulations and Schedules 1 and 2 to them (with the exception of rules 1 to 3 and 38 to 48 of Schedule 1) shall apply to proceedings:—

- (a) which were commenced prior to 1 October 2004; and
- (b) to which Schedule 1 to either the old (England & Wales) regulations or the old (Scotland) regulations applied;

provided that a copy of the originating application was not sent to the respondent prior to 1 October 2004.

(3) In relation to the proceedings described in paragraph (2), the following provisions of Schedule 1 to the old (England & Wales) regulations or the old (Scotland) regulations (as the case may be) shall continue to apply:—

- (a) rule 1 (originating application);
- (b) rule 2 (action upon receipt of originating application) with the exception of paragraphs (2), (4) and (5) of that rule; and
- (c) rule 14 (costs).

(4) In relation to proceedings described in paragraph (2) but where a copy of the originating application was sent to the respondent prior to 1 October 2004, Schedules 1 and 2 to these Regulations shall apply with the exception of rules 1 to 9, 21 to 24, 33 and 38 to 48 of Schedule 1 and rules 2, 3 and 4 of Schedule 2.

(5) In relation to proceedings described in paragraph (4), the following provisions of the old (England & Wales) regulations or the old (Scotland) regulations (as the case may be) shall continue to apply:—

- (a) in Schedule 1:—
  - (i) rule 1 (originating application);
  - (ii) rule 2 (action upon receipt of originating application) with the exception of paragraphs (2), (4) and (5) of that rule;
  - (iii) rule 3 (appearance by respondent);
  - (iv) rule 8 (national security);
  - (v) rule 14 (costs); and
- (b) rule 1 of Schedule 2.

(6) In relation to proceedings commenced prior to 1 October 2004 and to which Schedule 4, 5 or 6 to the old (England & Wales) regulations or the old (Scotland) regulations (as the case may be) applied, the provisions of those schedules shall continue to apply to such proceedings.