
STATUTORY INSTRUMENTS

2008 No. 2771

EMPLOYMENT TRIBUNALS

**The Employment Tribunals (Constitution and Rules
of Procedure) (Amendment) Regulations 2008**

<i>Made</i>	- - - -	<i>17th October 2008</i>
<i>Laid before Parliament</i>		<i>23rd October 2008</i>
<i>Coming into force</i>	- -	<i>1st December 2008</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 1 of the Employment Tribunals Act 1996⁽¹⁾.

Citation and commencement

1. These Regulations may be cited as the Employment Tribunals (Constitution and Rules of Procedure) (Amendment) Regulations 2008 and shall come into force on 1st December 2008.

Amendment to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004

2. The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004⁽²⁾ are amended as follows.

3. For regulation 4(3)(a) substitute—

“(a) who satisfies the judicial-appointment eligibility condition within the meaning of section 50 of the Tribunals, Courts and Enforcement Act 2007⁽³⁾ on a 5-year basis;

4. In regulation 4(3)(b) and (c) for “seven” substitute “five”.

5. For regulation 8(3)(a)(i) substitute—

“(i) who satisfy the judicial-appointment eligibility condition within the meaning of section 50 of the Tribunals, Courts and Enforcement Act 2007 on a 5-year basis;”.

6. In regulation 8(3)(a)(ii) and (iii) for “seven” substitute “five”.

(1) 1996 c.17; section 1 was amended by the Employment Rights (Dispute Resolution) Act 1998 (c.8), sections 1(2)(b) and 15 and Schedule 2.
(2) S.I. 2004/1861, amended by the Constitutional Reform Act 2005 (c.4), Schedule 4, Part 1, paragraph 360 and Schedule 11, Part 3, paragraph 5, and by S.I. 2006/680; there are other amending instruments, but none is relevant.
(3) 2007 c.15.

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Signed by authority of the Secretary of State for Business, Enterprise and Regulatory Reform

17th October 2008

Pat McFadden
Minister of State for Employment Relations and
Postal Affairs
Department for Business, Enterprise and
Regulatory Reform

EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations amend the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004 ([S.I. 2004/1861](#)) (“the 2004 Regulations”). The 2004 Regulations in particular provide for the appointment of a President of Employment Tribunals in England and Wales and a President of Employment Tribunals in Scotland and for a panel of full and part-time chairmen of Employment Tribunals in England and Wales and in Scotland.

These Regulations concern eligibility to hold office as either a President of the Employment Tribunals in England and Wales and in Scotland or as a chairman of an Employment Tribunal in England and Wales and in Scotland and amend the 2004 Regulations by:

- (a) substituting reference to satisfying a “judicial appointment eligibility condition” in place of reference to having a qualification mentioned in section 71 of the Courts and Legal Services Act 1990 ([c.41](#)); and
- (b) reducing the qualifying period for eligibility for appointment from 7 to 5 years.