

**2014 No. 271**

**EMPLOYMENT TRIBUNALS**

**The Employment Tribunals (Constitution and Rules of Procedure) (Amendment) Regulations 2014**

<i>Made</i>	- - - -	<i>11th February 2014</i>
<i>Laid before Parliament</i>		<i>13th February 2014</i>
<i>Coming into force</i>	- -	<i>6th April 2014</i>

The Secretary of State, in exercise of the powers conferred by sections 7 and 41(4) of the Employment Tribunals Act 1996(a), makes the following Regulations.

**Citation and commencement**

1. These Regulations may be cited as the Employment Tribunals (Constitution and Rules of Procedure) (Amendment) Regulations 2014 and come into force on 6th April 2014.

**Amendments to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013**

2. In regulation 6(5) for “full-time” substitute “salaried”.
3. In regulation 8(2)(a)—
  - (a) for “chairmen” substitute “Employment Judges”;
  - (b) omit “(in these Regulations (including the Schedules) referred to as “Employment Judges”)”.

**Amendments to Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013**

4. Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 is amended as follows.

5. In rule 1(1) in the appropriate places insert the following definitions—

““early conciliation certificate” means a certificate issued by ACAS in accordance with the Employment Tribunals (Early Conciliation: Exemptions and Rules of Procedure) Regulations 2013(b);

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(a) 1996 c. 17; by virtue of the Employment Rights (Dispute Resolution) Act 1998 (c. 8) industrial tribunals were renamed employment tribunals and references to “industrial tribunal” and “industrial tribunals” in any enactment were substituted with “employment tribunal” and “employment tribunals”.

(b) S.I. 2014/254.

“early conciliation exemption” means an exemption contained in regulation 3(1) of the Employment Tribunals (Early Conciliation: Exemptions and Rules of Procedure) Regulations 2014;

“early conciliation number” means the unique reference number which appears on an early conciliation certificate;

“relevant proceedings” means those proceedings listed in section 18(1) of the Employment Tribunals Act 1996(a);”

**6. In rule 1(3)(b)—**

(a) at the end of sub-paragraph (i) omit “or”;

(b) after sub-paragraph (ii) insert—

“(iii) the imposition of a financial penalty under section 12A of the Employment Tribunals Act”.

**7. In rule 10(1)—**

(a) in sub-paragraph (a) delete “or”;

(b) at the end of paragraph (iv) of sub-paragraph (b) insert “or”;

(c) after sub-paragraph (b) insert—

“(c) it does not contain one of the following—

(i) an early conciliation number;

(ii) confirmation that the claim does not institute any relevant proceedings; or

(iii) confirmation that one of the early conciliation exemptions applies.”

**8. In rule 12—**

(a) in sub-paragraph (a) of paragraph (1) omit “or”;

(b) after sub-paragraph (b) of paragraph (1) after “process” insert—

“(c) one which institutes relevant proceedings and is made on a claim form that does not contain either an early conciliation number or confirmation that one of the early conciliation exemptions applies;

(d) one which institutes relevant proceedings, is made on a claim form which contains confirmation that one of the early conciliation exemptions applies, and an early conciliation exemption does not apply;

(e) one which institutes relevant proceedings and the name of the claimant on the claim form is not the same as the name of the prospective claimant on the early conciliation certificate to which the early conciliation number relates; or

(f) one which institutes relevant proceedings and the name of the respondent on the claim form is not the same as the name of the prospective respondent on the early conciliation certificate to which the early conciliation number relates”;

(c) in paragraph (2) for “or (b)” substitute “(b), (c) or (d)”;

(d) after paragraph (2) insert—

“(2A) The claim, or part of it, shall be rejected if the Judge considers that the claim, or part of it, is of a kind described in sub-paragraph (e) or (f) of paragraph (1) unless the Judge considers that the claimant made a minor error in relation to a name or address and it would not be in the interests of justice to reject the claim.”

**9. In rule 33 for “1026/2001” substitute “1206/2001”.**

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(a) Section 18(1) was amended by the Enterprise and Regulatory Reform Act 2013, Schedule 1, paragraphs 2 and 5(1) and (3).

**Amendments to Schedule 2 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013**

**10.** In rule 5 of Schedule 2 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 omit paragraph (2).

**Transitional provision**

**11.** Regulations 5, 7 and 8 have effect in relation to—

- (a) any claim presented by a claimant in the period beginning on 6th April 2014 and ending on 5th May 2014 where section 18A of the Employment Tribunals Act 1996 applies to that claimant by virtue of the Enterprise and Regulatory Reform Act 2013 (Commencement No. 5, Transitional Provisions and Savings) Order 2014(a); and
- (b) any claim presented on or after 6th May 2014.

*Jenny Willott*

Parliamentary Under Secretary of State for Employment Relations and Consumer Affairs  
11th February 2014

Department for Business, Innovation and Skills

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(a) S.I. 2014/253.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 (“the 2013 Regulations”).

These Regulations insert the provisions necessary to ensure that a claim is rejected where the requirement in section 18A of the Employment Tribunals Act 1996 to contact ACAS before instituting proceedings applies to a claimant and the claimant does not have the certificate necessary under subsection (8) of that section.

These Regulations amend the 2013 Regulations to reflect the introduction of the financial penalties regime (under section 12A of the Employment Tribunals Act 1996) and the abolition of the Administrative Justice and Tribunals Council.

A regulatory impact assessment on the introduction of early conciliation is available and a copy can be obtained from the Department for Business Innovation and Skills, Labour Market Directorate, 1 Victoria Street, London, SW1H 0ET. Copies have also been placed in the libraries of both Houses of Parliament.

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