

2024 No. 366

EMPLOYMENT TRIBUNALS

**The Employment Tribunals (Constitution and Rules of Procedure)
(Amendment) Regulations 2024**

<i>Made</i> - - - -	<i>12th March 2024</i>
<i>Laid before Parliament</i>	<i>13th March 2024</i>
<i>Coming into force</i> - -	<i>6th April 2024</i>

The Secretary of State, in exercise of the powers conferred by section 7(1) and (3) of the Employment Tribunals Act 1996(a), makes the following Regulations.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Employment Tribunals (Constitution and Rules of Procedure) (Amendment) Regulations 2024 and come into force on 6th April 2024.

(2) These Regulations extend to England and Wales, and Scotland.

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

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

(2) In rule 8(1) (presenting the claim) omit “made under regulation 11 which supplements this rule”.

(3) In rule 15 (sending claim form to respondents)—

(a) renumber the text after the heading as paragraph (1);

(b) after paragraph (1) as renumbered by these Regulations insert—

“(2) If the Tribunal sends a copy of the claim form to an address for a respondent which differs from that provided on the claim form (whether or not a copy of the claim form has already been sent by the Tribunal to an address provided on the claim form), the Tribunal may also direct that the period for presentation of a response under rule 16(1) (response) begins from the date that a copy of the claim form is sent to that address.”.

(4) In rule 16 (response) for paragraph (1) substitute—

(a) 1996 c. 17. Section 7 of the Act is substituted by section 34(2) of the Judicial Review and Courts Act 2022 (c. 35) to provide when read with section 34(4) of that Act, that Procedure Rules made by the Tribunal Procedure Committee are to govern the practice and procedure of the Employment Tribunal, and will be brought into force on a day to be appointed in regulations by the Lord Chancellor.

(b) S.I. 2013/1237, amended by S.I. 2020/1003; there are other amending instruments but none is relevant.

“(1) The response must be on a prescribed form and presented to the Tribunal in accordance with any practice direction. Subject to any direction given under rule 15(2) (sending claim form to respondents), it must be presented within 28 days of the date that the copy of the claim form was sent by the Tribunal.”.

(5) In rule 85 (delivery to the tribunal), for paragraph (2) substitute—

“(2) A claim form or a response form may only be delivered in accordance with any practice direction.”.

(6) In rule 86 (delivery to parties) after paragraph (3) insert—

“(4) Paragraph (2) does not prevent the Tribunal also sending a copy of the claim form to a respondent at an address that differs from that provided on the claim form.”.

(7) After rule 92 (correspondence with the Tribunal: copying to other parties) insert—

“Digital case management

92A. In these Rules, where a party or the Tribunal is required to send, deliver or present a document or communication to the Tribunal or another party and does so through the Tribunal’s digital case management system in accordance with any practice direction, there shall be deemed compliance.”.

12th March 2024

Kevin Hollinrake
Parliamentary Under Secretary of State
Department for Business and Trade

EXPLANATORY NOTE

(This note is not part of the Regulations)

Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 (S.I. 2013/1237) sets out the rules of procedure that apply in the Employment Tribunals. These Regulations make amendments to those rules.

Regulation 2(3) amends rule 15 (sending claim form to respondents) to enable the Tribunal to direct that the time limit provided under rule 16(1) (response) for the presentation of a response to the Tribunal begins from the date that the Tribunal sends a copy of the claim form to an alternative address to that provided by the claim form. Where such a direction is made any earlier sending by the Tribunal of a copy of the claim form to an address provided in the claim form is disregarded for the purposes of rule 16(1). Regulation 2(6) amends rule 86 (delivery to parties) as a consequence of amendments to this rule.

Regulation 2(4) amends rule 16(1) to specify that in addition to the requirement for a response to be presented to the Tribunal on the prescribed form and within the relevant time limit, a response must also comply with any requirement specified by practice direction. Regulation 2(5) amends rule 85(2) (delivery to the tribunal) as a consequence of amendments to this rule.

Regulation 2(7) inserts a new rule 92A (digital case management) to provide that where provision is made by practice direction to allow for the delivery of documents to a party or the Tribunal through the Tribunal's digital case management system, and where a party or the Tribunal complies with those requirements then they will also be deemed to have complied with any requirements in the rules to provide a document to the Tribunal or another party.

Regulation 2(2) amends rule 8(1) (presenting the claim) to remove redundant drafting.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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