

SCHEDULE 1

THE INDUSTRIAL TRIBUNALS AND FAIR EMPLOYMENT TRIBUNAL RULES OF PROCEDURE 2020

PART 12

RECONSIDERATION OF JUDGMENTS

Reconsideration of judgment

64. A tribunal may, either on its own initiative or on the application of a party, reconsider any judgment (“the original decision”) where it is necessary in the interests of justice to do so.

Reconsideration on tribunal’s own initiative

65. Where the tribunal proposes to reconsider the original decision on its own initiative—

- (a) it shall inform the parties of the reasons why the decision is being reconsidered; and
- (b) the original decision shall be reconsidered in accordance with rule 67(2) (as if an application had been made and not refused).

Application for reconsideration

66. Except where it is made at a hearing, an application for reconsideration shall be presented in writing (and copied to all the other parties)—

- (a) within 14 days of the date on which the original decision was sent to the parties; or
- (b) within 14 days of the date that the written reasons were sent (if later),

and shall set out why reconsideration of the original decision is necessary in the interests of justice.

Consideration of the application

67.—(1) An employment judge shall consider any application made under rule 66. If the employment judge considers that there is no reasonable prospect of the original decision being varied or revoked (including, unless there are special reasons, where substantially the same application has already been made and refused), the application shall be refused and the parties shall be informed of the refusal.

(2) If the application is not refused, a notice shall be sent to the parties—

- (a) setting a time limit for any response to the application by the other parties;
- (b) seeking the views of the parties on whether the application can be determined without a hearing; and
- (c) where the employment judge considers it appropriate, setting out the employment judge’s provisional views on the application.

Reconsideration of the original decision

68.—(1) If the application has not been refused under rule 67(1), the original decision shall be reconsidered at a hearing unless the employment judge considers, having regard to any response to the notice under rule 67(2), that a hearing is not necessary in the interests of justice.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(2) If the reconsideration proceeds without a hearing the parties shall be given a reasonable opportunity to make further written representations.

Unavailability of employment judge or tribunal

69.—(1) Where practicable—

- (a) the consideration under rule 67 shall be by the employment judge who made the original decision or, as the case may be, chaired the tribunal which made it; and
- (b) any reconsideration under rule 68 shall be made by the employment judge or, as the case may be, the tribunal which made the original decision.

(2) Where it is not practicable to proceed under paragraph (1), the President or the Vice-President shall appoint another employment judge to deal with the application or, in the case of a decision of a tribunal, shall either direct that the reconsideration be by such members of the original tribunal as remain available or reconstitute the tribunal in whole or in part.

Outcome of reconsideration

70. Following reconsideration under rule 68, the original decision may be confirmed, varied or revoked. If it is revoked it may be taken again.