

## SCHEDULE 1

### THE INDUSTRIAL TRIBUNALS AND FAIR EMPLOYMENT TRIBUNAL RULES OF PROCEDURE 2020

## PART 2

### STARTING A CLAIM

#### **Presenting the claim**

9.—(1) A claim shall be started by presenting a completed claim form (using a prescribed claim form) to the tribunal office.

(2) A claim may be presented if—

- (a) a respondent resides or carries on business in Northern Ireland;
- (b) an act or omission complained of took place in Northern Ireland;
- (c) the claim relates to a contract under which work is or has been performed partly in Northern Ireland; or
- (d) the tribunal has jurisdiction to determine the claim by virtue of a connection with Northern Ireland.

(3) The claim form must include—

- (a) the name and address of each claimant and respondent; and
- (b) one of the following—
  - (i) an early conciliation number;
  - (ii) confirmation that the claim does not start any relevant proceedings; or
  - (iii) confirmation that an early conciliation exemption applies; and
- (c) details describing the basis for the claim.

#### **Multiple claimants**

10. Two or more claimants may make their claims on the same claim form if their claims are based on the same set of facts. Where two or more claimants wrongly include claims on the same claim form, this shall be treated as an irregularity falling under rule 7.

#### **Rejection**

11.—(1) The Secretary shall refer a claim form to an employment judge if—

- (a) it is not made on a prescribed form;
- (b) it does not include the information specified in rule 9(3); or
- (c) the Secretary considers that the claim, or part of it, may be—
  - (i) one which the tribunal has no jurisdiction to consider;
  - (ii) one which includes insufficient information to enable the basis for the claim to be established or is in a form which cannot sensibly be responded to or is otherwise an abuse of process; or
  - (iii) one which, although starting relevant proceedings—

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- (aa) confirms that an early conciliation exemption applies where no such exemption applies; or
- (bb) records a name or address for the claimant or the respondent differing materially from the name or address recorded for the prospective claimant or the prospective respondent (as the case may be) on the early conciliation certificate to which the early conciliation number relates.

(2) The claim, or part of it, shall be rejected if the employment judge considers that it is of a kind described in paragraph (1), except that the claim shall not be rejected—

- (a) if paragraph (1)(a) applies and the employment judge considers that the information provided in the claim form is substantially the same as the information which would have been provided had the prescribed form been used or if the claim relates to the proceedings specified in regulation 15(2);
- (b) if paragraph (1)(c)(iii)(bb) applies and the employment judge considers that the disparity between the information provided, respectively, in the claim and the early conciliation certificate is not such as to cast doubt on the identity of the claimant or respondent and that it would not be in the interests of justice to reject the claim.

(3) If the claim is rejected, the rejected claim form shall be returned to the claimant together with a notice of rejection giving the employment judge’s reasons for rejecting the claim, or part of it. The notice shall contain information about how to apply for a reconsideration of the rejection.

### **Reconsideration of rejection**

12.—(1) A claimant whose claim has been rejected (in whole or in part) under rule 11 may apply for a reconsideration on the basis that either the decision to reject was wrong or the notified defect can be rectified.

(2) The application shall—

- (a) be in writing;
- (b) be presented within 14 days of the date that the notice of rejection was sent;
- (c) explain why the decision is said to have been wrong or rectify the defect; and
- (d) state whether the claimant requests a hearing.

(3) If the claimant does not request a hearing, or an employment judge decides, on considering the application, that the claim shall be accepted in full, the employment judge shall determine the application without a hearing; otherwise the application shall be considered at a hearing attended only by the claimant.

(4) If the employment judge decides that the original rejection was correct but that the defect has been rectified, the claim shall be treated as presented on the date that the defect was rectified.

(5) If the employment judge decides that the original rejection was wrong, the claim (or part) shall be accepted from the date on which it was presented.

### **Protected disclosure claims: notification to a regulator**

13. If a claim alleges that the claimant has made a protected disclosure within the meaning of Article 67A of the Employment Rights Order, the employment judge may, with the consent of the claimant, direct the Secretary to send a copy of any accepted claim, or part of it, to a regulator listed in Schedule 1 to the Public Interest Disclosure (Prescribed Persons) Order (Northern Ireland) 1999.