



Employment Tribunals Act 1996

1996 CHAPTER 17

PART II

THE EMPLOYMENT APPEAL TRIBUNAL

Membership etc.

23 Temporary membership.

- (1) At any time when—
 - (a) the office of President of the Appeal Tribunal is vacant, or
 - (b) the person holding that office is temporarily absent or otherwise unable to act as the President of the Appeal Tribunal,the [^{F1}Lord Chief Justice] may nominate another judge nominated under section 22(1) (a) to act temporarily in his place.
- (2) At any time when a judge of the Appeal Tribunal nominated under paragraph (a) or (b) of subsection (1) of section 22 is temporarily absent or otherwise unable to act as a member of the Appeal Tribunal—
 - (a) in the case of a judge nominated under paragraph (a) of that subsection, the [^{F2}Lord Chief Justice] may nominate another judge who is qualified to be nominated under that paragraph to act temporarily in his place, and
 - (b) in the case of a judge nominated under paragraph (b) of that subsection, the Lord President of the Court of Session may nominate another judge who is qualified to be nominated under that paragraph to act temporarily in his place.
- (3) At any time when an appointed member of the Appeal Tribunal is temporarily absent or otherwise unable to act as a member of the Appeal Tribunal, the Lord Chancellor and the Secretary of State may jointly appoint a person appearing to them to have the qualifications for appointment as an appointed member to act temporarily in his place.
- (4) A person nominated or appointed to act temporarily in place of the President or any other member of the Appeal Tribunal, when so acting, has all the functions of the person in whose place he acts.

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- (5) No judge shall be nominated to act temporarily as a member of the Appeal Tribunal except with his consent.
- [^{F3}(6) The functions conferred on the Lord Chief Justice by the preceding provisions of this section may be exercised only after consulting the Lord Chancellor.
- (7) The functions conferred on the Lord Chancellor by subsection (3) may be exercised only after consultation with the Lord Chief Justice.
- (8) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.]

Textual Amendments

- F1** Words in s. 23(1) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148, [Sch. 4 para. 247\(2\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1
- F2** Words in s. 23(2)(a) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148, [Sch. 4 para. 247\(3\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1
- F3** S. 23(6)-(8) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148, [Sch. 4 para. 247\(4\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1

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