



Employment Tribunals Act 1996

1996 CHAPTER 17

PART II

THE EMPLOYMENT APPEAL TRIBUNAL

Procedure

33 Restriction of vexatious proceedings.

- (1) If, on an application made by the Attorney General or the Lord Advocate under this section, the Appeal Tribunal is satisfied that a person has habitually and persistently and without any reasonable ground—
- (a) instituted vexatious proceedings, whether [^{F1}before the Certification Officer,] in an [^{F2}employment tribunal] or before the Appeal Tribunal, and whether against the same person or against different persons, or
 - (b) made vexatious applications in any proceedings, whether [^{F3}before the Certification Officer,] in an [^{F2}employment tribunal] or before the Appeal Tribunal,
- the Appeal Tribunal may, after hearing the person or giving him an opportunity of being heard, make a restriction of proceedings order.
- (2) A “restriction of proceedings order” is an order that—
- (a) no proceedings shall without the leave of the Appeal Tribunal be instituted [^{F4}before the Certification Officer,] in any [^{F2}employment tribunal] or before the Appeal Tribunal by the person against whom the order is made,
 - (b) any proceedings instituted by him [^{F5}before the Certification Officer,] in any [^{F2}employment tribunal] or before the Appeal Tribunal before the making of the order shall not be continued by him without the leave of the Appeal Tribunal, and
 - (c) no application (other than one for leave under this section) is to be made by him in any proceedings [^{F6}before the Certification Officer,] in any [^{F2}employment tribunal] or before the Appeal Tribunal without the leave of the Appeal Tribunal.

Status: Point in time view as at 06/04/2005.

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- (3) A restriction of proceedings order may provide that it is to cease to have effect at the end of a specified period, but otherwise it remains in force indefinitely.
- (4) Leave for the institution or continuance of, or for the making of an application in, any proceedings [^{F7}before the Certification Officer,] in an [^{F2}employment tribunal] or before the Appeal Tribunal by a person who is the subject of a restriction of proceedings order shall not be given unless the Appeal Tribunal is satisfied—
- (a) that the proceedings or application are not an abuse of the [^{F8}process] , and
 - (b) that there are reasonable grounds for the proceedings or application.
- (5) A copy of a restriction of proceedings order shall be published in the London Gazette and the Edinburgh Gazette.

Textual Amendments

- F1** Words in s. 33(1)(a) inserted (6.4.2005) by Employment Relations Act 2004 (c. 24), ss. 49(2), 59; S. I. 2005/872, art. 4, Sch. (with arts. 5-21)
- F2** Words in s. 33(1)(2)(b)(c)(4) substituted (1.8.1998) by 1998 c. 8, s. 1(2)(a) (with s. 16(2)); S.I. 1998/1658, art. 2(1), Sch. 1
- F3** Words in s. 33(1)(b) inserted (6.4.2005) by Employment Relations Act 2004 (c. 24), ss. 49(3), 59; S. I. 2005/872, art. 4, Sch. (with arts. 5-21)
- F4** Words in s. 33(2)(a) inserted (6.4.2005) by Employment Relations Act 2004 (c. 24), ss. 49(4), 59; S. I. 2005/872, art. 4, Sch. (with arts. 5-21)
- F5** Words in s. 33(2)(b) inserted (6.4.2005) by Employment Relations Act 2004 (c. 24), ss. 49(5), 59; S. I. 2005/872, art. 4, Sch. (with arts. 5-21)
- F6** Words in s. 33(2)(c) inserted (6.4.2005) by Employment Relations Act 2004 (c. 24), ss. 49(6), 59; S. I. 2005/872, art. 4, Sch. (with arts. 5-21)
- F7** Words in s. 33(4) inserted (6.4.2005) by Employment Relations Act 2004 (c. 24), ss. 49(7)(a), 59; S. I. 2005/872, art. 4, Sch. (with arts. 5-21)
- F8** Words in s. 33(4) substituted (6.4.2005) by Employment Relations Act 2004 (c. 24), ss. 49(7)(b), 59; S. I. 2005/872, art. 4, Sch. (with arts. 5-21)

Modifications etc. (not altering text)

- C1** S. 33: transfer of functions (6.5.1999) by S.I. 1999/901, arts. 4-8, Sch.

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