



Enterprise and Regulatory Reform Act 2013

2013 CHAPTER 24

PART 2

EMPLOYMENT

Procedure for deciding tribunal cases

11 Decisions by legal officers

- (1) In section 4 of the Employment Tribunals Act 1996 (composition of a tribunal), after subsection (6C) insert—

“(6D) A person appointed as a legal officer in accordance with regulations under section 1(1) may determine proceedings in respect of which an employment tribunal has jurisdiction, or make a decision falling to be made in the course of such proceedings, if—

(a) the proceedings are of a description specified in an order under this subsection made by the Secretary of State and the Lord Chancellor acting jointly, and

(b) all the parties to the proceedings consent in writing;

and any determination or decision made under this subsection shall be treated as made by an employment tribunal.”

- (2) In section 41(2) of that Act (orders etc subject to affirmative resolution procedure), after “section 4(4)” insert “or (6D)”.

12 Composition of Employment Appeal Tribunal

- (1) The Employment Tribunals Act 1996 is amended as set out in subsections (2) to (4).

(2) In section 28 (composition of Appeal Tribunal), for subsections (2) to (4A) substitute—

“(2) Proceedings before the Appeal Tribunal are to be heard by a judge alone.

This is subject to subsections (3) to (6) and to any provision made by virtue of section 30(2)(f) or (2A).

(3) A judge may direct that proceedings are to be heard by a judge and either two or four appointed members.

(4) A judge may, with the consent of the parties, direct that proceedings are to be heard by a judge and either one or three appointed members.

(5) The Lord Chancellor may by order provide for proceedings of a description specified in the order to be heard by a judge and either two or four appointed members.

(6) In proceedings heard by a judge and two or four appointed members, there shall be an equal number of—

- (a) employer-representative members, and
- (b) worker-representative members.

(7) In this section—

“employer-representative members” means appointed members whose knowledge or experience of industrial relations is as representatives of employers;

“worker-representative members” means appointed members whose knowledge or experience of industrial relations is as representatives of workers.”

(3) In section 30 (Appeal Tribunal procedure rules), in subsection (2)(f) (provision for dealing with interlocutory matters), for the words from “otherwise” to the end substitute “by an officer of the Appeal Tribunal”.

(4) In section 41(2) (orders etc subject to affirmative resolution procedure), before “or 40” insert “, 28(5)”.

(5) In consequence of the amendment made by subsection (2), omit paragraph 46 of Schedule 8 to the Tribunals, Courts and Enforcement Act 2007.