



Enterprise and Regulatory Reform Act 2013

2013 CHAPTER 24

PART 2

EMPLOYMENT

Procedure for deciding tribunal cases

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.

Changes to legislation: There are currently no known outstanding effects for the Enterprise and Regulatory Reform Act 2013, Section 12. (See end of Document for details)

(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.

Commencement Information

- II** S. 12 wholly in force at 25.6.2013; s. 12 in force for specified purposes at Royal Assent and otherwise in force at 25.6.2013, see s. 103(1)(i)(2)(b)

Changes to legislation:

There are currently no known outstanding effects for the Enterprise and Regulatory Reform Act 2013, Section 12.