
STATUTORY INSTRUMENTS

2001 No. 1170

The Employment Tribunals (Constitution and Rules of Procedure) (Scotland) Regulations 2001

Composition of tribunals

9.—(1) For each hearing of any matter before a tribunal the President or the Regional Chairman shall select a chairman, who shall, subject to paragraph (5), be the President or a member of the panel of chairmen, and the President or the Regional Chairman may select himself.

(2) In any proceedings which are to be determined by a tribunal comprising a chairman (selected in accordance with paragraph (1) or (5), as the case may be) and two other members, those other members shall, subject to paragraph (5), be selected by the President or by the Regional Chairman, as to one member from the panel of persons appointed by the Secretary of State under regulation 5(1)(b) and as to the other from the panel of persons appointed under regulation 5(1)(c).

(3) In any proceedings which are to be determined by a tribunal whose composition is described in paragraph (2), or, as the case may be, paragraph (5)(b), those proceedings may, with the consent of the parties, be heard and determined in the absence of any one member other than the chairman, and in that event the tribunal shall be properly constituted.

(4) The President or the Regional Chairman may at any time select from the appropriate panel another person in substitution for the chairman or other member of the tribunal previously selected to hear any proceedings before a tribunal.

(5) For the purposes of proceedings in relation to which a direction is given under section 10(3) of the 1996 Act, or an order is made under section 10(4) of that Act—

- (a) the President or the Regional Chairman shall select a chairman, who shall be the President or a member of the panel selected in accordance with regulation 6(a), and the President or the Regional Chairman may select himself, and
- (b) in any such proceedings which are to be determined by a tribunal comprising a chairman (selected in accordance with sub-paragraph (a) of this paragraph) and two other members, those other members shall be selected by the President or by the Regional Chairman, as to one member from the panel selected in accordance with regulation 6(b)(i) and as to the other from the panel selected in accordance with regulation 6(b)(ii).