

---

## EXPLANATORY NOTE

*(This note is not part of the Order)*

These Regulations come into force on 1st October 2005 and they amend the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004 (S.I.2004/1861) (as amended by the Employment Tribunals (Constitution and Rules of Procedure) (Amendment) Regulations 2004 (S.I. 2004/2351) and the Employment Tribunals (Constitution and Rules of Procedure (Amendment) Regulations 2005 (S.I.2005/435)) (“the main Regulations”)

The main purpose of these Regulations is to implement, by regulation 2(4)(j), section 36 of the Employment Relations Act 2004 (c. 24) (“the 2004 Act”), which provides that certain powers available to employment tribunals under rule 54(1) (national security proceedings) of the main Regulations can be used in particular proceedings, whether or not they are Crown employment proceedings, if the tribunal or the chairman considers it expedient in the interests of national security.

These Regulations also make minor clarifications to and correct drafting errors in the main Regulations.

The final Regulatory Impact Assessment (“RIA”) for the 2004 Act indicated that any impact on business arising from section 36 (the national security amendment) would be likely to be negligible. In view of this, and because none of the other amendments made by these Regulations is substantive, and will not therefore impact on business, charities, voluntary bodies or the public sector, a full RIA in respect of these Regulations has not been prepared.