EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 ("the 2013 Regulations") and the Employment Tribunals (Early Conciliation: Exemptions and Rules of Procedure) Regulations 2014 ("the 2014 Regulations"). Regulations 19, 20, 21 and 22(2) come into force on 1st December 2020 and the remainder of these Regulations come into force on 8thOctober 2020.

The amendments make procedural changes to tribunal and early conciliation practice, including in relation to the cross-deployment of judges to Employment Tribunals, the functions of legal officers, correcting errors on the early conciliation form and the claim form, the conduct of electronic hearings, the listing of short-track cases, the recording of judgments on the Register, and the time limit for early conciliation.

Regulation 3 amends regulation 8 of the 2013 Regulations to allow for the cross-deployment of judges to the Employment Tribunals.

Regulation 4 adds a new regulation 10A to the 2013 Regulations to provide for legal officers who may carry out the functions listed under a new regulation 10B (subject to those functions being authorised by the Senior President of Tribunals in a practice direction).

Schedule 1 of the 2013 Regulations is amended as follows—

- Regulation 6 amends rule 9 to provide for two or more claimants to make their claims on the same claim form if their claims give rise to common or related issues of fact or law or if it is otherwise reasonable for their claims to be made on a single claim form.
- Regulation 7 amends rule 12 to allow a judge to accept a claim form with an error in relation to the claimant or respondent name where it would not be in the interests of justice to reject the claim. Regulation 7 also adds a new rule 12(2ZA) to allow a judge to accept a claim form with an error in relation to an early conciliation number where it would not be in the interests of justice to reject the claim.
- Regulation 8 amends rule 16 to allow a response form to include the response of more than one respondent or the response to more than one claim if the responses or the claims give rise to common or related issues of fact or law or if it is otherwise reasonable for the responses to be made on a single response form.
- Regulation 9 amends rule 19 to allow any Employment Judge to reconsider a rejected claim or response.
- Regulation 10 amends rule 21 to provide that where a judge has directed that a preliminary issue requires to be determined at a hearing, a judgment may be issued without a further hearing.
- Regulations 11, 15 and 16 amend rules 26, 54 and 58 respectively, to provide for the listing of short-track cases for a hearing upon receipt of the claim form.
- Regulation 13 amends rule 44 to provide that, where a hearing is conducted by electronic communication, inspection of witness statements may be otherwise than during the course of a hearing.
- Regulation 14 amends rule 46 to provide for parties or member of the public attending the hearing to see any witness as seen by the Tribunal so far as practicable.

— Regulation 17 amends rule 67 to provide that judgments for withdrawn claims are exempted from the requirement to record on the Register.

The Schedule to the 2014 Regulations is amended as follows—

— Regulation 19 amends rule 2 to provide for the correction of errors on the early conciliation form.

— Regulations 20 and 21 amend rules 6 and 7 respectively, to provide a six-week period for early conciliation and remove the option to extend the early conciliation period by a conciliation officer.

Regulation 22 provides for transitional arrangements in relation to the period for early conciliation.

The primary impact of these changes is to reduce unnecessary bureaucracy in providing access to justice through the employment tribunal system. The estimated familiarisation costs to business, and the ongoing costs and benefits to business from these reforms are expected to be well below the threshold of £5 million a year required for the production of a full impact assessment.