
STATUTORY INSTRUMENTS

2024 No. 94

The Employment Tribunals and Employment Appeal Tribunal (Composition of Tribunal) Regulations 2024

Tribunal consisting of two or more members

6.—(1) Subject to paragraph (2), where a matter in the employment tribunal or Appeal Tribunal, as the case may be, is to be decided by more than one member, the number of members who are to be judges and the number of members who are not judges must be determined by the Senior President of Tribunals in a direction.

(2) At least one of the members must be a judge.

(3) Without prejudice to regulations 8(2)(b) and (c) of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013(1) or, as the case may be, section 22(2) of the Employment Tribunals Act 1996(2), the Senior President of Tribunals may in a direction in accordance with regulation 3(1) or, as the case may be, regulation 4(2), determine whether members who are not judges must have any qualifications and, if so, what those qualifications must be.

(4) The Senior President of Tribunals must select one of the members (the “presiding member”) to chair the tribunal.

(5) If the decision of the tribunal is not unanimous, the decision of the majority is the decision of the tribunal; and the presiding member has a casting vote if the votes are equally divided.

(6) In this regulation, “judge” means an Employment Judge as it applies to the employment tribunal and as it applies to the Appeal Tribunal a judge of that tribunal.

(7) In paragraphs (4) and (5), “tribunal” includes a Tribunal of the Appeal Tribunal.

(1) [S.I. 2013/1237](#). Regulation 8 was amended by regulation 3 of [S.I. 2020/1003](#).

(2) Section 22 was amended by paragraph 246 of Schedule 4 and Part 2 of Schedule 18 to the Constitutional Reform Act 2005 (c. 4), paragraph 11 of Schedule 14 to the Crime and Courts Act 2013 (c. 22), and section 1(5) of the Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 (c. 33).