

# Employment Tribunal - Rules of Procedures

## **SCHEDULE 1**

### **THE EMPLOYMENT TRIBUNALS RULES OF PROCEDURE**

#### **Regulation 16**

#### ***How to bring a claim***

##### **Starting a claim**

##### **1**

(1) A claim shall be brought before an employment tribunal by the claimant presenting to an Employment Tribunal Office the details of the claim in writing. Those details must include all the relevant required information (subject to . . . rule 53 (Employment Agencies Act 1973)).

(2) The claim may only be presented to an Employment Tribunal Office in England and Wales if it relates to English and Welsh proceedings (defined in regulation 19(1)). The claim may only be presented to an Employment Tribunal Office in Scotland if it relates to Scottish proceedings (defined in regulation 19(2)).

(3) Unless it is a claim in proceedings described in regulation 14(3), a claim which is presented on or after [1st October 2005] must be presented on a claim form which has been prescribed by the Secretary of State in accordance with regulation 14.

(4) Subject to . . . rule 53, the required information in relation to the claim is--

- (a) each claimant's name;
- (b) each claimant's address;
- (c) the name of each person against whom the claim is made ("the respondent");
- (d) each respondent's address;
- (e) details of the claim;
- (f) . . .
- (g) . . .
- (h) . . .
- (i) . . .

(5) . . .

(6) . . .

(7) Two or more claimants may present their claims in the same document if their claims arise out of the same set of facts.

(8) . . .

#### ***Acceptance of claim procedure***

##### **What the tribunal does after receiving the claim**

## 2

(1) On receiving the claim the Secretary shall consider whether the claim or part of it should be accepted in accordance with rule 3. If a claim or part of one is not accepted the tribunal shall not proceed to deal with any part which has not been accepted (unless it is accepted at a later date). If no part of a claim is accepted the claim shall not be copied to the respondent.

(2) If the Secretary accepts the claim or part of it, he shall--

- (a) send a copy of the claim to each respondent and record in writing the date on which it was sent;
- (b) inform the parties in writing of the case number of the claim (which must from then on be referred to in all correspondence relating to the claim) and the address to which notices and other communications to the Employment Tribunal Office must be sent;
- (c) inform the respondent in writing about how to present a response to the claim, the time limit for doing so, what may happen if a response is not entered within the time limit and that the respondent has a right to receive a copy of any judgment disposing of the claim;
- (d) when any enactment relevant to the claim provides for conciliation, notify the parties that the services of a conciliation officer [may be] available to them; [and]
- (e) . . .
- (f) if only part of the claim has been accepted, inform the claimant and any respondent which parts of the claim have not been accepted and that the tribunal shall not proceed to deal with those parts unless they are accepted at a later date.

[(3) If the claim or part of it is accepted, the Secretary may, if the Secretary considers it appropriate, send a copy of the claim or part of it, to a regulator where the claimant (C) has--

- (a) consented; and
- (b) alleged in the claim that C has made a protected disclosure.

(4) For the purposes of paragraph (3) a regulator means a person listed in the Annex to this Schedule; and a protected disclosure has the meaning given to that expression by section 43A of the 1996 Act.]

**When the claim will not be accepted by the Secretary**

## 3

(1) When a claim is required by rule 1(3) to be presented using a prescribed form, but the prescribed form has not been used, the Secretary shall not accept the claim and shall return it to the claimant with an explanation of why the claim has been rejected and provide a prescribed claim form.

(2) The Secretary shall not accept the claim (or a relevant part of one) if it is clear to him that one or more of the following circumstances applies--

- (a) the claim does not include all the relevant required information; [or]
- (b) the tribunal does not have power to consider the claim (or that relevant part of it). . .
- (c) . . .

(3) If the Secretary decides not to accept a claim or part of one for any of the reasons in paragraph (2), he shall refer the claim together with a statement of his reasons for not accepting it to [an Employment Judge]. The [Employment Judge] shall decide in accordance with the criteria in paragraph (2) whether the claim or part of it should be accepted and allowed to proceed.

- (4) If the [Employment Judge] decides that the claim or part of one should be accepted he shall inform the Secretary in writing and the Secretary shall accept the relevant part of the claim and then proceed to deal with it in accordance with rule 2(2).
- (5) If the [Employment Judge] decides that the claim or part of it should not be accepted he shall record his decision together with the reasons for it in writing in a document signed by him. The Secretary shall as soon as is reasonably practicable inform the claimant of that decision and the reasons for it in writing together with information on how that decision may be reviewed or appealed.
- (6) . . .
- (7) Except for the purposes of paragraph . . . (8) or any appeal to the Employment Appeal Tribunal, where [an Employment Judge] has decided that a claim or part of one should not be accepted such a claim (or the relevant part of it) is to be treated as if it had not been received by the Secretary on that occasion.
- (8) Any decision by [an Employment Judge] not to accept a claim or part of one may be reviewed in accordance with rules 34 to 36. If the result of such review is that any parts of the claim should have been accepted, then paragraph (7) shall not apply to the relevant parts of that claim and the Secretary shall then accept such parts and proceed to deal with it as described in rule 2(2).
- (9) A decision to accept or not to accept a claim or part of one shall not bind any future tribunal or [Employment Judge] where any of the issues listed in paragraph (2) fall to be determined later in the proceedings.
- (10) Except in rule 34 (review of other judgments and decisions), all references to a claim in the remainder of these rules are to be read as references to only the part of the claim which has been accepted.

### ***Response***

#### **Responding to the claim**

#### **4**

- (1) If the respondent wishes to respond to the claim made against him he must present his response to the Employment Tribunal Office within 28 days of the date on which he was sent a copy of the claim. The response must include all the relevant required information. The time limit for the respondent to present his response may be extended in accordance with paragraph (4).
- (2) Unless it is a response in proceedings described in regulation 14(3), any response presented on or after [1st October 2005] must be on a response form prescribed by the Secretary of State pursuant to regulation 14.
- (3) The required information in relation to the response is--
  - (a) the respondent's full name;
  - (b) the respondent's address;
  - (c) whether or not the respondent wishes to resist the claim in whole or in part; and
  - (d) if the respondent wishes to so resist, on what grounds.
- (4) The respondent may apply . . . for an extension of the time limit within which he is to present his response. The application must be presented to the Employment Tribunal Office within 28 days of the date on which the respondent was sent a copy of the claim (unless the application is made under rule 33(1)) and must explain why the respondent cannot comply with the time limit. Subject to rule 33, the [Employment Judge] shall only extend the time within which a response may be presented if he is satisfied that it is just and equitable to do so.

[(4A) When a respondent is legally represented in relation to the application the respondent or the respondent's representative must, at the same time as the application is sent to the Employment Tribunal Office, provide all other parties with the following information in writing--

- (a) details of the application and the reasons why it is made;
- (b) notification that any objection to the application must be sent to the Employment Tribunal Office within 7 days of receiving the application or, if a hearing of any type is due to take place before the expiry of that 7 day period, before the date of that hearing; and
- (c) that any objection to the application must be copied to both the Employment Tribunal Office and all other parties,

and the respondent or that representative must confirm in writing to the Employment Tribunal Office that this rule has been complied with.

(4B) The time limit described in sub-paragraph (4A)(b) may be amended where the Employment Judge or tribunal considers it in the interests of justice to do so.

(4C) Where a respondent is not legally represented in relation to the application, the Secretary shall send a copy of the application to all other parties and inform them of the matters listed in sub-paragraphs (4A)(b) and (c).

(4D) Where a respondent's application under paragraph (4) is refused the Secretary shall inform the parties in writing of such refusal unless the application is refused at a hearing.

(4E) This rule is subject to section 12 of the State Immunity Act 1978.]

(5) A single document may include the response to more than one claim if the relief claimed arises out of the same set of facts, provided that in respect of each of the claims to which the single response relates--

- (a) the respondent intends to resist all the claims and the grounds for doing so are the same in relation to each claim; or
- (b) the respondent does not intend to resist any of the claims.

(6) A single document may include the response of more than one respondent to a single claim provided that--

- (a) each respondent intends to resist the claim and the grounds for doing so are the same for each respondent; or
- (b) none of the respondents intends to resist the claim.

### ***Acceptance of response procedure***

#### **What the tribunal does after receiving the response**

## **5**

(1) On receiving the response the Secretary shall consider whether the response should be accepted in accordance with rule 6. If the response is not accepted it shall be returned to the respondent and (subject to paragraphs (5) and (6) of rule 6) the claim shall be dealt with as if no response to the claim had been presented.

(2) If the Secretary accepts the response he shall send a copy of it to all other parties and record in writing the date on which he does so.

#### **When the response will not be accepted by the Secretary**

## 6

- (1) Where a response is required to be presented using a prescribed form by rule 4(2), but the prescribed form has not been used, the Secretary shall not accept the response and shall return it to the respondent with an explanation of why the response has been rejected and provide a prescribed response form.
- (2) The Secretary shall not accept the response if it is clear to him that any of the following circumstances apply--
  - (a) the response does not include all the required information (defined in rule 4(3));
  - (b) the response has not been presented within the relevant time limit.
- (3) If the Secretary decides not to accept a response for either of the reasons in paragraph (2), he shall refer the response together with a statement of his reasons for not accepting the response to [an Employment Judge]. The [Employment Judge] shall decide in accordance with the criteria in paragraph (2) whether the response should be accepted.
- (4) If the [Employment Judge] decides that the response should be accepted he shall inform the Secretary in writing and the Secretary shall accept the response and then deal with it in accordance with rule 5(2).
- (5) If the [Employment Judge] decides that the response should not be accepted he shall record his decision together with the reasons for it in writing in a document signed by him. The Secretary shall inform both the claimant and the respondent of that decision and the reasons for it. The Secretary shall also inform the respondent of the consequences for the respondent of that decision and how it may be reviewed or appealed.
- (6) Any decision by [an Employment Judge] not to accept a response may be reviewed in accordance with rules 34 to 36. If the result of such a review is that the response [is to be] accepted, then the Secretary shall accept the response and proceed to deal with the response as described in rule 5(2).

**Counterclaims**

## 7

- (1) When a respondent wishes to present a claim against the claimant ("a counterclaim") in accordance with article 4 of the Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994, or as the case may be, article 4 of the Employment Tribunals Extension of Jurisdiction (Scotland) Order 1994, he must present the details of his counterclaim to the Employment Tribunal Office in writing. Those details must include--
  - (a) the respondent's name;
  - (b) the respondent's address;
  - (c) the name of each claimant whom the counterclaim is made against;
  - (d) the claimant's address;
  - (e) details of the counterclaim.
- (2) [An Employment Judge] may in relation to particular proceedings by order made under rule 10(1) establish the procedure which shall be followed by the respondent making the counterclaim and any claimant responding to the counterclaim.
- (3) The President may by a practice direction made under regulation 13 make provision for the procedure which is to apply to counterclaims generally.

***Consequences of a response not being presented or accepted***

**Default judgments**

**8**

[(1) Subject to paragraphs (2A) and (6), in any proceedings if the relevant time limit for presenting a response has passed, an Employment Judge shall, in the circumstances listed in paragraph (2), issue a default judgment to determine the claim without a hearing.]

[(1A) If the Employment Judge is not satisfied that he has sufficient information to issue a default judgment, he shall make an order (as described in rule 10(2)(b)) requiring such additional information as he considers appropriate to enable him, subject to paragraphs (2A) and (6), to issue a default judgment.

(1B) Where an order is made as described in paragraph (1A), and the additional information requested has not been received within the specified time limit, a default judgment shall be issued in accordance with paragraph (1).]

[(2) [Subject to paragraphs (2A) and (6), those circumstances] are when either--

- (a) no response in those proceedings has been presented to the Employment Tribunal Office within the relevant time limit;
- (b) a response has been so presented, but a decision has been made not to accept the response either by the Secretary under rule 6(1) or by [an Employment Judge] under rule 6(3), and the Employment Tribunal Office has not received an application under rule 34 to have that decision reviewed; or
- (c) a response has been accepted in those proceedings, but the respondent has stated in the response that he does not intend to resist the claim.]

[(2A) No default judgment need be issued where the Employment Judge--

- (a) is not satisfied that the tribunal has jurisdiction to consider the claim, or part of it; or
- (b) has sufficient evidence to conclude that the claim form has not been received by the respondent.]

(3) A default judgment may determine liability only or it may determine liability and remedy. If a default judgment determines remedy it shall be such remedy as it appears to the [Employment Judge] that the claimant is entitled to on the basis of the information before him.

(4) Any default judgment issued by [an Employment Judge] under this rule shall be recorded in writing and shall be signed by him. The Secretary shall send a copy of that judgment to the parties, to ACAS, and, if the proceedings were referred to the tribunal by a court, to that court. The Secretary shall also inform the parties of their right to [apply to] have the default judgment reviewed under rule 33. The Secretary shall put a copy of the default judgment on the Register (subject to rule 49 (sexual offences and the Register)).

(5) The claimant or respondent may apply to have the default judgment reviewed in accordance with rule 33.

[(6) A default judgment shall not be issued where the parties have settled the proceedings (either by means of a compromise agreement or through ACAS). If a default judgment is issued in these circumstances it shall have no effect.]

(7) When paragraph (6) applies, either party may apply under rule 33 to have the default judgment revoked.

**Taking no further part in the proceedings**

9

A respondent who has not presented a response to a claim or whose response has not been accepted shall not be entitled to take any part in the proceedings except to--

- [(aa) make a request under rule 30 (written reasons);]
- (a) make an application under rule 33 (review of default judgments);
- (b) make an application under rule 35 (preliminary consideration of application for review) in respect of [rule 34(3)(a), (b) or (e)];
- (c) be called as a witness by another person; or
- (d) be sent a copy of a document or corrected entry in accordance with rule 8(4), 29(2) or 37;

and in these rules the word "party" or "respondent" includes a respondent only in relation to his entitlement to take such a part in the proceedings, and in relation to any such part which he takes.

### ***Case management***

#### **General power to manage proceedings**

10

(1) Subject to the following rules, the [Employment Judge] may at any time either on the application of a party or on his own initiative make an order in relation to any matter which appears to him to be appropriate. Such orders may be any of those listed in paragraph (2) or such other orders as he thinks fit. Subject to the following rules, orders may be issued as a result of [an Employment Judge] considering the papers before him in the absence of the parties, or at a hearing (see regulation 2 for the definition of "hearing").

(2) Examples of orders which may be made under paragraph (1) are orders--

- (a) as to the manner in which the proceedings are to be conducted, including any time limit to be observed;
- (b) that a party provide additional information;
- (c) requiring the attendance of any person in Great Britain either to give evidence or to produce documents or information;
- (d) requiring any person in Great Britain to disclose documents or information to a party [or] to allow a party to inspect such material as might be ordered by a County Court (or in Scotland, by a sheriff);
- (e) extending any time limit, whether or not expired (subject to rules 4(4), 11(2), 25(5), 30(5), 33(1), 35(1), 38(7) and 42(5) of this Schedule, and to rule 3(4) of Schedule 2);
- (f) requiring the provision of written answers to questions put by the tribunal or [Employment Judge];
- (g) . . .
- (h) staying (in Scotland, sisting) the whole or part of any proceedings;
- (i) that part of the proceedings be dealt with separately;
- (j) that different claims be considered together;
- (k) that any person who the [Employment Judge] or tribunal considers may be liable for the remedy claimed should be made a respondent in the proceedings;
- (l) dismissing the claim against a respondent who is no longer directly interested in the claim;
- (m) postponing or adjourning any hearing;



- (n) varying or revoking other orders;
  - (o) giving notice to the parties of a pre-hearing review or the Hearing;
  - (p) giving notice under rule 19;
  - (q) giving leave to amend a claim or response;
  - (r) that any person who the [Employment Judge] or tribunal considers has an interest in the outcome of the proceedings may be joined as a party to the proceedings;
  - (s) that a witness statement be prepared or exchanged; or
  - (t) as to the use of experts or interpreters in the proceedings.
- (3) An order may specify the time at or within which and the place at which any act is required to be done. An order may also impose conditions and it shall inform the parties of the potential consequences of non-compliance set out in rule 13.
- (4) When a requirement has been imposed under paragraph (1) the person subject to the requirement may make an application under rule 11 (applications in proceedings) for the order to be varied or revoked.
- (5) An order described in . . . [sub-]paragraph (2)(d) which requires a person other than a party to grant disclosure or inspection of material may be made only when the disclosure sought is necessary in order to dispose fairly of the claim or to save expense.
- (6) Any order containing a requirement described in either sub-paragraph (2)(c) or (d) shall state that under section 7(4) of the Employment Tribunals Act, any person who without reasonable excuse fails to comply with the requirement shall be liable on summary conviction to a fine, and the document shall also state the amount of the maximum fine.
- (7) An order as described in [sub-]paragraph (2)(j) may be made only if all relevant parties have been given notice that such an order may be made and they have been given the opportunity to make oral or written representations as to why such an order should or should not be made.
- (8) Any order made under this rule shall be recorded in writing and signed by the [Employment Judge] and the Secretary shall [(except where the order is for a witness order described in rule 10(2)(c) only)] inform all parties to the proceedings of any order made as soon as is reasonably practicable.

### **Applications in proceedings**

## **11**

- (1) At any stage of the proceedings a party may apply for an order to be issued, varied or revoked or for a case management discussion or pre-hearing review to be held.
- (2) An application for an order must be made not less than 10 days before the date of the hearing at which it is to be considered (if any) unless it is not reasonably practicable to do so, or the [Employment Judge] or tribunal considers it in the interests of justice that shorter notice be allowed. The application must (unless [an Employment Judge] orders otherwise) be in writing to the Employment Tribunal Office and include the case number for the proceedings and the reasons for the request. If the application is for a case management discussion or a pre-hearing review to be held, it must identify any orders sought.
- (3) An application for an order must include an explanation of how the order would assist the tribunal or [Employment Judge] in dealing with the proceedings efficiently and fairly.
- (4) When a party is legally represented in relation to the application (except where the application is for a witness order described in rule 10(2)(c) only), that party or his representative must, at the same time as the application is sent to the Employment Tribunal Office, provide all other parties with the following information in writing--
- (a) details of the application and the reasons why it is [made];

[(b) notification that any objection to the application must be sent to the Employment Tribunal Office within 7 days of receiving the application or, if a hearing of any type is due to take place before the expiry of that 7 day period, before the date of that hearing];

(c) that any objection to the application must be copied to both the Employment Tribunal Office and all other parties;

and the party or his representative must confirm in writing to the Employment Tribunal Office that this rule has been complied with.

[(4A) The time limit described in sub-paragraph (4)(b) may be amended where the Employment Judge or tribunal considers it in the interests of justice to do so.]

[(5) Where a party is not legally represented in relation to the application, the Secretary shall (except where the application is for a witness order described in rule 10(2)(c) only) send a copy of the application to all other parties and inform them of the matters listed in sub-paragraphs (4)(b) and (c).]

(6) [An Employment Judge] may refuse a party's application and if he does so the Secretary shall inform the parties in writing of such refusal unless the application is refused at a hearing.

**[Employment Judge] acting on his own initiative**

**12**

(1) Subject to paragraph (2) and to rules 10(7) and 18(7), [an Employment Judge] may make an order on his own initiative with or without hearing the parties or giving them an opportunity to make written or oral representations. He may also decide to hold a case management discussion or pre-hearing review on his own initiative.

(2) Where [an Employment Judge] makes an order without giving the parties the opportunity to make representations--

(a) the Secretary must send to the party affected by such order a copy of the order and a statement explaining the right to make an application under [sub-]paragraph (2)(b); and

(b) a party affected by the order may apply to have it varied or revoked.

(3) An application under [sub-]paragraph (2)(b) must (subject to rule 10(2)(e)) be made before the time at which, or the expiry of the period within which, the order was to be complied with. Such an application must (unless [an Employment Judge] orders otherwise) be made in writing to an Employment Tribunal Office and it must include the reasons for the application. Paragraphs (4) and (5) of rule 11 apply in relation to informing the other parties of the application.

**Compliance with orders and practice directions**

**13**

(1) If a party does not comply with an order made under these rules, under rule 8 of Schedule 3, rule 7 of Schedule 4 or a practice direction, [an Employment Judge] or tribunal--

(a) may make an order in respect of costs or preparation time under rules 38 to 46; or

(b) may (subject to paragraph (2) and rule 19) at a pre-hearing review or a Hearing make an order to strike out the whole or part of the claim or, as the case may be, the response and, where appropriate, order that a respondent be debarred from responding to the claim altogether.

(2) An order may also provide that unless the order is complied with, the claim or, as the case may be, the response shall be struck out on the date of non-compliance without further consideration of the proceedings or the need to give notice under rule 19 or hold a pre-hearing review or Hearing.

- (3) [Employment Judges] and tribunals shall comply with any practice directions issued under regulation 13.

### ***Different types of hearing***

#### **Hearings--general**

#### **14**

- (1) [An Employment Judge] or a tribunal (depending on the relevant rule) may hold the following types of hearing--

- (a) a case management discussion under rule 17;
- (b) a pre-hearing review under rule 18;
- [(bb) a hearing dealing with interim relief as described in rule 18A;]
- (c) a Hearing under rule 26; or
- (d) a review hearing under rule 33 or 36.

- (2) So far as it appears appropriate to do so, the [Employment Judge] or tribunal shall seek to avoid formality in his or its proceedings and shall not be bound by any enactment or rule of law relating to the admissibility of evidence in proceedings before the courts .

- (3) The [Employment Judge] or tribunal (as the case may be) shall make such enquiries of persons appearing before him or it and of witnesses as he or it considers appropriate and shall otherwise conduct the hearing in such manner as he or it considers most appropriate for the clarification of the issues and generally for the just handling of the proceedings.

- (4) Unless the parties agree to shorter notice, the Secretary shall send notice of any hearing (other than a case management discussion) to every party not less than 14 days before the date fixed for the hearing and shall inform them that they have the opportunity to submit written representations and to advance oral argument. The Secretary shall give the parties reasonable notice before a case management discussion is held.

- (5) If a party wishes to submit written representations for consideration at a hearing (other than a case management discussion) he shall present them to the Employment Tribunal Office not less than 7 days before the hearing and shall at the same time send a copy to all other parties.

- (6) The tribunal or [Employment Judge] may, if it or he considers it appropriate, consider representations in writing which have been submitted otherwise than in accordance with paragraph (5).

#### **Use of electronic communications**

#### **[15**

- (1) A hearing may be conducted (in whole or in part) by use of electronic communications provided that the Employment Judge or tribunal conducting the hearing considers it just and equitable to do so.

- (2) Where a hearing is required by these rules to be held in public and electronic communications are to be used in accordance with this rule then, subject to rule 16, it must be held in a place to which the public has access and using equipment so that, when oral evidence is given the public is able to see and hear all parties to the communication.

- (3) Where a hearing is to be held in private, and electronic communications are to be used in accordance with this rule, when oral evidence is given the tribunal or Employment Judge must be able to see and hear all parties to the communication.]

### **Hearings which may be held in private**

**16**

(1) A hearing or part of one may be conducted in private for the purpose of hearing from any person evidence or representations which in the opinion of the tribunal or [Employment Judge] is likely to consist of information--

- (a) which he could not disclose without contravening a prohibition imposed by or by virtue of any enactment;
- (b) which has been communicated to him in confidence, or which he has otherwise obtained in consequence of the confidence placed in him by another person; or
- (c) the disclosure of which would, for reasons other than its effect on negotiations with respect to any of the matters mentioned in section 178(2) of TULR(C)A, cause substantial injury to any undertaking of his or any undertaking in which he works.

(2) Where a tribunal or [Employment Judge] decides to hold a hearing or part of one in private, it or he shall give reasons for doing so. . . .

### ***Case management discussions***

#### **Conduct of case management discussions**

**17**

(1) Case management discussions are interim hearings and may deal with matters of procedure and management of the proceedings and they [shall be held in private]. Case management discussions shall be conducted by [an Employment Judge].

(2) Any determination of a person's civil rights or obligations shall not be dealt with in a case management discussion. The matters listed in rule 10(2) are examples of matters which may be dealt with at case management discussions. Orders and judgments listed in rule 18(7) may not be made at a case management discussion.

### ***Pre-hearing reviews***

#### **Conduct of pre-hearing reviews**

**18**

(1) Pre-hearing reviews are interim hearings and shall be conducted by [an Employment Judge] unless the circumstances in paragraph (3) are applicable. Subject to rule 16, they shall take place in public.

(2) At a pre-hearing review the [Employment Judge] may carry out a preliminary consideration of the proceedings and he may--

- (a) determine any interim or preliminary matter relating to the proceedings;
- (b) issue any order in accordance with rule 10 or do anything else which may be done at a case management discussion;
- (c) order that a deposit be paid in accordance with rule 20 without hearing evidence;
- (d) consider any oral or written representations or evidence;
- (e) . . .

(3) Pre-hearing reviews shall be conducted by a tribunal composed in accordance with section 4(1) . . . of the Employment Tribunals Act if--

- (a) a party has made a request in writing not less than 10 days before the date on which the pre-hearing review is due to take place that the pre-hearing review be conducted by a tribunal instead of [an Employment Judge]; and
- (b) [an Employment Judge] considers that one or more substantive issues of fact are likely to be determined at the pre-hearing review, that it would be desirable for the pre-hearing review to be conducted by a tribunal and he has issued an order that the pre-hearing review be conducted by a tribunal.

(4) If an order is made under paragraph (3), any reference to [an Employment Judge] in relation to a pre-hearing review shall be read as a reference to a tribunal.

(5) Notwithstanding the preliminary or interim nature of a pre-hearing review, at a pre-hearing review the [Employment Judge] may give judgment on any preliminary issue of substance relating to the proceedings. Judgments or orders made at a pre-hearing review may result in the proceedings being struck out or dismissed or otherwise determined with the result that a Hearing is no longer necessary in those proceedings.

(6) Before a judgment or order listed in paragraph (7) is made, notice must be given in accordance with rule 19. The judgments or [orders] listed in paragraph (7) must be made at a pre-hearing review or a Hearing if one of the parties has so requested. If no such request has been made such judgments or [orders] may be made in the absence of the parties.

(7) Subject to paragraph (6), [an Employment Judge] or tribunal may make a judgment or order:--

- (a) as to the entitlement of any party to bring or contest particular proceedings;
- (b) striking out or amending all or part of any claim or response on the grounds that it is scandalous, or vexatious or has no reasonable prospect of success;
- (c) striking out any claim or response (or part of one) on the grounds that the manner in which the proceedings have been conducted by or on behalf of the claimant or the respondent (as the case may be) has been scandalous, unreasonable or vexatious;
- (d) striking out a claim which has not been actively pursued;
- (e) striking out a claim or response (or part of one) for non-compliance with an order or practice direction;
- (f) striking out a claim where the [Employment Judge] or tribunal considers that it is no longer possible to have a fair Hearing in those proceedings;
- (g) making a restricted reporting order (subject to rule 50).

(8) A claim or response or any part of one may be struck out under these rules only on the grounds stated in sub-paragraphs (7)(b) to (f).

(9) If at a pre-hearing review a requirement to pay a deposit under rule 20 has been considered, the [Employment Judge] who conducted that pre-hearing review shall not be a member of the tribunal at the Hearing in relation to those proceedings.

#### **[Interim relief**

### **18A**

(1) Hearings dealing with interim relief are interim hearings.

(2) Subject to the provisions applying to interim relief of TULR(C)A, the Employment Rights Act, and the Employment Tribunals Act, these rules shall apply when dealing with the following applications as they apply to pre-hearing reviews--

- (a) an application made under section 161 of TULR(C)A or section 128 of the Employment Rights Act for interim relief;
- (b) an application made under section 165 of TULR(C)A or section 131 of the Employment Rights Act to vary or revoke an order.]

### **Notice requirements**

#### **19**

(1) Before [an Employment Judge] or a tribunal makes a judgment or order described in rule 18(7), except where the order is one described in rule 13(2) or it is a temporary restricted reporting order made in accordance with rule 50, the Secretary shall send notice to the party against whom it is proposed that the order or judgment should be made. The notice shall inform him of the order or judgment to be considered and give him the opportunity to give reasons why the order or judgment should not be made. This paragraph shall not be taken to require the Secretary to send such notice to that party if that party has been given an opportunity to give reasons orally to the [Employment Judge] or the tribunal as to why the order should not be made.

(2) Where a notice required by paragraph (1) is sent in relation to an order to strike out a claim which has not been actively pursued, unless the contrary is proved, the notice shall be treated as if it were received by the addressee if it has been sent to the address specified in the claim as the address to which notices are to be sent (or to any subsequent replacement for that address which has been notified to the Employment Tribunal Office).

### ***Payment of a deposit***

### **Requirement to pay a deposit in order to continue with proceedings**

#### **20**

(1) At a pre-hearing review if [an Employment Judge] considers that the contentions put forward by any party in relation to a matter required to be determined by a tribunal have little reasonable prospect of success, the [Employment Judge] may make an order against that party requiring the party to pay a deposit of an amount not exceeding [£1,000] as a condition of being permitted to continue to take part in the proceedings relating to that matter.

(2) No order shall be made under this rule unless the [Employment Judge] has taken reasonable steps to ascertain the ability of the party against whom it is proposed to make the order to comply with such an order, and has taken account of any information so ascertained in determining the amount of the deposit.

(3) An order made under this rule, and the chairman's grounds for making such an order, shall be recorded in a document signed by the [Employment Judge]. A copy of that document shall be sent to each of the parties and shall be accompanied by a note explaining that if the party against whom the order is made persists in making those contentions relating to the matter to which the order relates, he may have an award of costs or preparation time made against him and could lose his deposit.

(4) If a party against whom an order has been made does not pay the amount specified in the order to the Secretary either:--

- (a) within the period of 21 days of the day on which the document recording the making of the order is sent to him; or

(b) within such further period, not exceeding 14 days, as the [Employment Judge] may allow in the light of representations made by that party within the period of 21 days;

[an Employment Judge] shall strike out the claim or response of that party or, as the case may be, the part of it to which the order relates.

(5) The deposit paid by a party under an order made under this rule shall be refunded to him in full except where rule 47 applies.

### ***Conciliation***

#### **Documents to be sent to conciliators**

**21**

In proceedings brought under the provisions of any enactment providing for conciliation, the Secretary shall send copies of all documents, orders, judgments, written reasons and notices to an ACAS conciliation officer except where the Secretary and ACAS have agreed otherwise.

...

**22**

...

**23**

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**24**

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### ***Withdrawal of proceedings***

#### **Right to withdraw proceedings**

**25**

(1) A claimant may withdraw all or part of his claim at any time - this may be done either orally at a hearing or in writing in accordance with paragraph (2).

(2) To withdraw a claim or part of one in writing the claimant must inform the Employment Tribunal Office of the claim or the parts of it which are to be withdrawn. Where there is more than one respondent the notification must specify against which respondents the claim is being withdrawn.

(3) The Secretary shall inform all other parties of the withdrawal. Withdrawal takes effect on the date on which the Employment Tribunal Office (in the case of written notifications) or the tribunal (in the case of oral notification) receives notice of it and where the whole claim is withdrawn, subject to paragraph (4), proceedings are brought to an end against the relevant respondent on that date. Withdrawal does not affect proceedings as to costs, preparation time or wasted costs.

(4) Where a claim has been withdrawn, a respondent may make an application to have the proceedings against him dismissed. Such an application must be made by the respondent in writing to the Employment Tribunal Office within 28 days of the notice of the withdrawal being sent to the respondent. If the respondent's application is granted and the proceedings are dismissed[, the claimant may not commence a fur-

ther claim against the respondent for the same, or substantially the same, cause of action (unless the decision to dismiss is successfully reviewed or appealed)].

(5) The time limit in paragraph (4) may be extended by [an Employment Judge] if he considers it just and equitable to do so.

**[Automatic dismissal of proceedings following withdrawal of a claim (or part of a claim) where an ACAS settlement has been reached**

**25A**

(1) Where--

- (a) the parties settle the whole or part of the proceedings through ACAS;
- (b) the settlement is agreed in writing;
- (c) the parties to the settlement have confirmed in the settlement agreement, or otherwise in writing, their understanding that the proceedings covered by the settlement will, following the withdrawal of the claim (or relevant part of the claim) by the claimant, be dismissed; and
- (d) the claimant withdraws the whole of, or the part of, the claim that is covered by the settlement by informing the Employment Tribunal Office of the withdrawal in accordance with rule 25(2),

the Employment Judge shall dismiss the proceedings covered by the settlement.

(2) The dismissal shall take place no later than 28 days after the date on which the Employment Tribunal Office receives--

- (a) written evidence that the requirement described in sub-paragraph (1)(c) has been satisfied; and
- (b) the written notification of withdrawal described in sub-paragraph (1)(d).

(3) If proceedings are dismissed under paragraph (1), the claimant may not commence a further claim against the respondent for the same, or substantially the same, cause of action (unless the decision to dismiss is successfully reviewed or appealed).]

***The hearing***

**Hearings**

**26**

(1) A Hearing is held for the purpose of determining outstanding procedural or substantive issues or disposing of the proceedings. In any proceedings there may be more than one Hearing and there may be different categories of Hearing, such as a Hearing on liability, remedies, costs (in Scotland, expenses) or preparation time.

(2) Any Hearing of a claim shall be heard by a tribunal composed in accordance with section 4(1) and (2) of the Employment Tribunals Act.

(3) Any Hearing of a claim shall take place in public, subject to rule 16.

[(4) The President, Vice President, or Regional Employment Judge shall fix the date, time and place of the Hearing and the Secretary shall send to each party a notice of the Hearing together with information and guidance as to procedure at the Hearing.]

**What happens at the Hearing**



27

(1) . . .

[(1)] Subject to rule 14(3), at the Hearing a party shall be entitled to give evidence, to call witnesses, to question witnesses and to address the tribunal.

[(2)] Where a witness is called to give oral evidence, any witness statement of that person shall stand as that witness's evidence in chief unless the tribunal or Employment Judge orders otherwise.]

(3) The tribunal shall require parties and witnesses who attend the Hearing to give their evidence on oath or affirmation.

(4) The tribunal may exclude from the Hearing any person who is to appear as a witness in the proceedings until such time as they give evidence if it considers it in the interests of justice to do so.

(5) If a party fails to attend or to be represented (for the purpose of conducting the party's case at the Hearing) at the time and place fixed for the Hearing, the tribunal may dismiss or dispose of the proceedings in the absence of that party or may adjourn the Hearing to a later date.

(6) If the tribunal wishes to dismiss or dispose of proceedings in the circumstances described in paragraph (5), it shall first consider any information in its possession which has been made available to it by the parties.

(7) At a Hearing a tribunal may exercise any powers which may be exercised by [an Employment Judge] under these rules.

### ***Orders, judgments and reasons***

#### **Orders and judgments**

28

(1) [Employment Judges] or tribunals may issue the following--

(a) a "judgment", which is a final determination of the proceedings or of a particular issue in those proceedings; it may include an award of compensation, a declaration or recommendation and it may also include orders for costs, preparation time or wasted costs;

(b) an "order", which may be issued in relation to interim matters and it will require a person to do or not to do something.

(2) If the parties agree in writing upon the terms of any order or judgment [an Employment Judge] or tribunal may, if he or it thinks fit, make such order or judgment.

(3) At the end of a hearing the [Employment Judge] (or, as the case may be, the tribunal) shall either issue any order or judgment orally or shall reserve the judgment or order to be given in writing at a later date.

(4) Where a tribunal is composed of three persons any order or judgment may be made or issued by a majority; and if a tribunal is composed of two persons only, the [Employment Judge] has a second or casting vote.

#### **Form and content of judgments**

29

(1) When judgment is reserved a written judgment shall be sent to the parties as soon as practicable. All judgments (whether issued orally or in writing) shall be recorded in writing and signed by the [Employment Judge].

(2) The Secretary shall provide a copy of the judgment to each of the parties and, where the proceedings were referred to the tribunal by a court, to that court. The Secretary shall include guidance to the parties on how the judgment may be reviewed or appealed.

(3) Where the judgment includes an award of compensation or a determination that one party is required to pay a sum to another (excluding an order for costs, expenses, allowances, preparation time or wasted costs), the document shall also contain a statement of the amount of compensation awarded, or of the sum required to be paid.

### **Reasons**

## **30**

(1) A tribunal or [Employment Judge] must give reasons (either oral or written) for any--

- (a) judgment; or
- (b) order, if a request for reasons is made before or at the hearing at which the order is made.

(2) Reasons may be given orally at the time of issuing the judgment or order or they may be reserved to be given in writing at a later date. If reasons are reserved, they shall be signed by the [Employment Judge] and sent to the parties by the Secretary.

(3) [[Where oral reasons have been provided], written reasons shall only be provided]:--

- (a) in relation to judgments if requested by one of the parties within the time limit set out in paragraph (5); or
- (b) in relation to any judgment or order if requested by the Employment Appeal Tribunal at any time.

(4) When written reasons are provided, the Secretary shall send a copy of the reasons to all parties to the proceedings and record the date on which the reasons were sent. Written reasons shall be signed by the [Employment Judge].

(5) A request for written reasons for a judgment must be made by a party either orally at the hearing (if the judgment is issued at a hearing), or in writing within 14 days of the date on which the judgment was sent to the parties. This time limit may be extended by [an Employment Judge] where he considers it just and equitable to do so.

(6) Written reasons for a judgment shall include the following information--

- (a) the issues which the tribunal or [Employment Judge] has identified as being relevant to the claim;
- (b) if some identified issues were not determined, what those issues were and why they were not determined;
- (c) findings of fact relevant to the issues which have been determined;
- (d) a concise statement of the applicable law;
- (e) how the relevant findings of fact and applicable law have been applied in order to determine the issues; and
- (f) where the judgment includes an award of compensation or a determination that one party make a payment to the other, a table showing how the amount or sum has been calculated or a description of the manner in which it has been calculated.

### **Absence of [Employment Judge]**

## **31**

Where it is not possible for a judgment, order or reasons to be signed by the [Employment Judge] due to death, incapacity or absence--

- (a) if the [Employment Judge] has dealt with the proceedings alone the document shall be signed by the Regional [Employment Judge], Vice President or President when it is practicable for him to do so; and
- (b) if the proceedings have been dealt with by a tribunal composed of two or three persons, the document shall be signed by the other person or persons;

and any person who signs the document shall certify that the [Employment Judge] is unable to sign.

### **The Register**

## **32**

(1) Subject to rule 49, the Secretary shall enter a copy of the following documents in the Register--

- (a) any judgment (including any costs, expenses, preparation time or wasted costs order); and
- (b) any written reasons provided in accordance with rule 30 in relation to any judgment.

(2) Written reasons for judgments shall be omitted from the Register in any case in which evidence has been heard in private and the tribunal or [Employment Judge] so orders. In such a case the Secretary shall send the reasons to each of the parties and where there are proceedings before a superior court relating to the judgment in question, he shall send the reasons to that court, together with a copy of the entry in the Register of the judgment to which the reasons relate.

### ***Power to review judgments and decisions***

### **Review of default judgments**

## **33**

(1) A party may apply to have a default judgment against or in favour of him reviewed. An application must be made in writing and presented to the Employment Tribunal Office within 14 days of the date on which the default judgment was sent to the parties. The 14 day time limit may be extended by [an Employment Judge] if he considers that it is just and equitable to do so.

(2) The application must state the reasons why the default judgment should be varied or revoked. When it is the respondent applying to have the default judgment reviewed, the application must include with it the respondent's proposed response to the claim [(where that has not been received by the Employment Tribunal Office)], an application for an extension of the time limit for presenting the response and an explanation of why rules 4(1) and (4) were not complied with.

[(2A) An application under paragraph (1) may be given preliminary consideration (without the need to hold a hearing) by an Employment Judge, who may refuse the application if the requirements of paragraph (2) have not been met.]

(3) A review of a default judgment shall be conducted by [an Employment Judge] in public [unless all the parties to the proceedings consent in writing to the review without a hearing]. Notice of the hearing and a copy of the application shall be sent by the Secretary to all other parties.

(4) The [Employment Judge] may--

- (a) refuse the application for a review;
- (b) vary the default judgment;

- (c) revoke all or part of the default judgment;
- (d) confirm the default judgment;

and all parties to the proceedings shall be informed by the Secretary in writing of the [Employment Judge's] judgment on the application.

(5) A default judgment must be revoked if the whole of the claim was satisfied before the judgment was issued or if rule 8(6) applies. [An Employment Judge] may revoke or vary all or part of a default judgment if the respondent has a reasonable prospect of successfully responding to the claim or part of it.

(6) In considering the application for a review of a default judgment the [Employment Judge] must have regard to whether there was good reason for the response not having been presented within the applicable time limit.

(7) If the [Employment Judge] decides that the default judgment should be varied or revoked and that the respondent should be allowed to respond to the claim the Secretary shall accept the response and proceed in accordance with rule 5(2).

[(8) An Employment Judge may on his own initiative review a default judgment on the grounds listed at rule 34(3)(a), (b) and (e).]

#### **Review of other judgments and decisions**

### **34**

(1) Parties may apply to have certain judgments and decisions made by a tribunal or [an Employment Judge] reviewed under rules 34 to 36. Those judgments and decisions are--

- (a) a decision not to accept a claim, response or counterclaim;
- (b) a judgment (other than a default judgment but including an order for costs, expenses, preparation time or wasted costs); and
- (c) a decision made under rule 6(3) of Schedule 4;

and references to "decision" in rules 34 to 37 are references to the above judgments and decisions only. Other decisions or orders may not be reviewed under these rules.

(2) In relation to a decision not to accept a claim or response, only the party against whom the decision is made may apply to have the decision reviewed.

(3) Subject to paragraph (4), decisions may be reviewed on the following grounds only--

- (a) the decision was wrongly made as a result of an administrative error;
- (b) a party did not receive notice of the proceedings leading to the decision;
- (c) the decision was made in the absence of a party;
- (d) new evidence has become available since the conclusion of the hearing to which the decision relates, provided that its existence could not have been reasonably known of or foreseen at that time; or
- (e) the interests of justice require such a review.

(4) A decision not to accept a claim or response may only be reviewed on the grounds listed in [sub-]paragraphs (3)(a) and (e).

(5) A tribunal or [Employment Judge] may on its or his own initiative review a decision made by it or him on the grounds listed in paragraphs (3) or (4).

#### **Preliminary consideration of application for review**

**35**

- (1) An application under rule 34 to have a decision reviewed must be made to the Employment Tribunal Office within 14 days of the date on which the decision was sent to the parties. The 14 day time limit may be extended by [an Employment Judge] if he considers that it is just and equitable to do so.
- (2) The application must be in writing and must identify the grounds of the application in accordance with rule 34(3), but if the decision to be reviewed was made at a hearing, an application may be made orally at that hearing.
- (3) The application to have a decision reviewed shall be considered (without the need to hold a hearing) by the [Employment Judge] of the tribunal which made the decision or, if that is not practicable, by --
  - (a) a Regional [Employment Judge] or the Vice President;
  - (b) any chairman nominated by a Regional [Employment Judge] or the Vice President; or
  - (c) the President;

and that person shall refuse the application if he considers that there are no grounds for the decision to be reviewed under rule 34(3) or there is no reasonable prospect of the decision being varied or revoked.

- (4) If an application for a review is refused after such preliminary consideration the Secretary shall inform the party making the application in writing of the [Employment Judge's] decision and his reasons for it. If the application for a review is not refused the decision shall be reviewed under rule 36.

**The review****36**

- (1) When a party has applied for a review and the application has not been refused after the preliminary consideration above, the decision shall be reviewed by the [Employment Judge] or tribunal who made the original decision. If that is not practicable a different [Employment Judge] or tribunal (as the case may be) shall be appointed by a Regional [Employment Judge], the Vice President or the President.
- (2) Where no application has been made by a party and the decision is being reviewed on the initiative of the tribunal or [Employment Judge], the review must be carried out by the same tribunal or [Employment Judge] who made the original decision and--
  - (a) a notice must be sent to each of the parties explaining in summary the grounds upon which it is proposed to review the decision and giving them an opportunity to give reasons why there should be no review; and
  - (b) such notice must be sent before the expiry of 14 days from the date on which the original decision was sent to the parties.
- (3) A tribunal or [Employment Judge] who reviews a decision under paragraph (1) or (2) may confirm, vary or revoke the decision. If the decision is revoked, the tribunal or [Employment Judge] must order the decision to be taken again. When an order is made that the original decision be taken again, if the original decision was taken by [an Employment Judge] without a hearing, the new decision may be taken without hearing the parties and if the original decision was taken at a hearing, a new hearing must be held.

**Correction of judgments, decisions or reasons****37**

(1) Clerical mistakes in any order, judgment, decision or reasons, or errors arising in those documents from an accidental slip or omission, may at any time be corrected by certificate by the [Employment Judge], Regional [Employment Judge], Vice President or President.

(2) If a document is corrected by certificate under paragraph (1), or if a decision is revoked or varied under rules 33 or 36 or altered in any way by order of a superior court, the Secretary shall alter any entry in the Register which is so affected to conform with the certificate or order and send a copy of any entry so altered to each of the parties and, if the proceedings have been referred to the tribunal by a court, to that court.

(3) Where a document omitted from the Register under rules 32 or 49 is corrected by certificate under this rule, the Secretary shall send a copy of the corrected document to the parties; and where there are proceedings before any superior court relating to the decision or reasons in question, he shall send a copy to that court together with a copy of the entry in the Register of the decision, if it has been altered under this rule.

(4) In Scotland, the references in paragraphs (2) and (3) to superior courts shall be read as referring to appellate courts.

### ***Costs orders and orders for expenses***

#### **General power to make costs and expenses orders**

**38**

(1) Subject to paragraph (2) and in the circumstances listed in rules 39, 40 and 47 a tribunal or [Employment Judge] may make an order ("a costs order") that--

(a) a party ("the paying party") make a payment in respect of the costs incurred by another party ("the receiving party");

(b) the paying party pay to the Secretary of State, in whole or in part, any allowances (other than allowances paid to members of tribunals) paid by the Secretary of State under section 5(2) or (3) of the Employment Tribunals Act to any person for the purposes of, or in connection with, that person's attendance at the tribunal;

[(c) the paying party make a payment to a witness in respect of some or all of the expenses that witness incurs for the purposes of, or in connection with, that witness's attendance at the tribunal].

(2) A costs order may be made under rules 39, [40(1) to (4)] and 47 only where the receiving party has been legally represented at the Hearing or, in proceedings which are determined without a Hearing, if the receiving party is legally represented when the proceedings are determined. If the receiving party has not been so legally represented a tribunal [or [Employment Judge]] may make a preparation time order (subject to rules 42 to 45). (See rule 46 on the restriction on making a costs order and a preparation time order in the same proceedings.)

(3) For the purposes of these rules "costs" shall mean fees, charges, disbursements or expenses incurred by or on behalf of a party[, including sums paid pursuant to an order under paragraph (1)(c)], in relation to the proceedings. In Scotland all references to costs (except when used in the expression "wasted costs") or costs orders shall be read as references to expenses or orders for expenses.

(4) A costs order may be made against or in favour of a respondent who has not had a response accepted in the proceedings in relation to the conduct of any part which he has taken in the proceedings.

(5) In these rules legally represented means having the assistance of a person (including where that person is the receiving party's employee) who--

(a) has a general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990;

- (b) is an advocate or solicitor in Scotland; or
- (c) is a member of the Bar of Northern Ireland or a [solicitor of the Court of Judicature of Northern Ireland].

(6) Any costs order made under rules 39, 40 or 47 shall be payable by the paying party and not his representative.

(7) A party may apply for a costs order to be made at any time during the proceedings. An application may be made at the end of a hearing, or in writing to the Employment Tribunal Office. An application for costs which is received by the Employment Tribunal Office later than 28 days from the issuing of the judgment determining the claim shall not be accepted or considered by a tribunal or [Employment Judge] unless it or he considers that it is in the interests of justice to do so.

(8) In paragraph (7), the date of issuing of the judgment determining the claim shall be either--

- (a) the date of the Hearing if the judgment was issued orally; or
- (b) if the judgment was reserved, the date on which the written judgment was sent to the parties.

(9) No costs order shall be made unless the Secretary has sent notice to the party against whom the order may be made giving him the opportunity to give reasons why the order should not be made. This paragraph shall not be taken to require the Secretary to send notice to that party if the party has been given an opportunity to give reasons orally to the [Employment Judge] or tribunal as to why the order should not be made.

(10) Where a tribunal or [Employment Judge] makes a costs order it or he shall provide written reasons for doing so if a request for written reasons is made within 14 days of the date of the costs order. The Secretary shall send a copy of the written reasons to all parties to the proceedings.

#### **When a costs or expenses order must be made**

### **39**

(1) Subject to rule 38(2), a tribunal [or [Employment Judge]] must make a costs order against a respondent where in proceedings for unfair dismissal a Hearing has been postponed or adjourned and--

- (a) the claimant has expressed a wish to be reinstated or re-engaged which has been communicated to the respondent not less than 7 days before the Hearing; and
- (b) the postponement or adjournment of that Hearing has been caused by the respondent's failure, without a special reason, to adduce reasonable evidence as to the availability of the job from which the claimant was dismissed, or of comparable or suitable employment.

(2) A costs order made under paragraph (1) shall relate to any costs incurred as a result of the postponement or adjournment of the Hearing.

#### **When a costs or expenses order may be made**

### **40**

(1) A tribunal or [Employment Judge] may make a costs order when on the application of a party it has postponed the day or time fixed for or adjourned a Hearing or pre-hearing review. The costs order may be against or, as the case may require, in favour of that party as respects any costs incurred or any allowances paid as a result of the postponement or adjournment.

(2) A tribunal or [Employment Judge] shall consider making a costs order against a paying party where, in the opinion of the tribunal or [Employment Judge] (as the case may be), any of the circumstances in pa-

paragraph (3) apply. Having so considered, the tribunal or [Employment Judge] may make a costs order against the paying party if it or he considers it appropriate to do so.

(3) The circumstances referred to in paragraph (2) are where the paying party has in bringing the proceedings, or he or his representative has in conducting the proceedings, acted vexatiously, abusively, disruptively or otherwise unreasonably, or the bringing or conducting of the proceedings by the paying party has been misconceived.

(4) A tribunal or [Employment Judge] may make a costs order against a party who has not complied with an order or practice direction.

[(5) A tribunal or Employment Judge may make a costs order where a witness attends to give oral evidence at a hearing.]

#### **The amount of a costs or expenses order**

### **41**

(1) The amount of a costs order against the paying party shall be determined in any of the following ways--

- (a) the tribunal may specify the sum which the paying party must pay to the receiving party, provided that sum does not exceed [£20,000];
- (b) the parties may agree on a sum to be paid by the paying party to the receiving party and if they do so the costs order shall be for the sum so agreed;
- (c) the tribunal may order the paying party to pay the receiving party the whole or a specified part of the costs of the receiving party with the amount to be paid being determined by way of detailed assessment in a County Court in accordance with the Civil Procedure Rules 1998 or, in Scotland, as taxed according to such part of the table of fees prescribed for proceedings in the sheriff court as shall be directed by the order.

(2) The tribunal or [Employment Judge] may have regard to the paying party's ability to pay when considering whether it or he shall make a costs order or how much that order should be.

(3) For the avoidance of doubt, the amount of a costs order made under paragraphs (1)(b) or (c) may exceed [£20,000].

#### ***Preparation time orders***

#### **General power to make preparation time orders**

### **42**

(1) Subject to paragraph (2) and in the circumstances described in rules 43, 44 and 47 a tribunal or [Employment Judge] may make an order ("a preparation time order") that a party ("the paying party") make a payment in respect of the preparation time of another party ("the receiving party").

(2) A preparation time order may be made under rules 43, 44 or 47 only where the receiving party has not been legally represented at a Hearing or, in proceedings which are determined without a Hearing, if the receiving party has not been legally represented when the proceedings are determined. (See: rules 38 to 41 on when a costs order may be made; rule 38(5) for the definition of legally represented; and rule 46 on the restriction on making a costs order and a preparation time order in the same proceedings).

(3) For the purposes of these rules preparation time shall mean time spent by--

- (a) the receiving party or his employees carrying out preparatory work directly relating to the proceedings; and



- (b) the receiving party's legal or other advisers relating to the conduct of the proceedings;

up to but not including time spent at any Hearing.

(4) A preparation time order may be made against a respondent who has not had a response accepted in the proceedings in relation to the conduct of any part which he has taken in the proceedings.

(5) A party may apply to the tribunal for a preparation time order to be made at any time during the proceedings. An application may be made at the end of a hearing or in writing to the Secretary. An application for preparation time which is received by the Employment Tribunal Office later than 28 days from the issuing of the judgment determining the claim shall not be accepted or considered by a tribunal or [Employment Judge] unless they consider that it is in the interests of justice to do so.

(6) In paragraph (5) the date of issuing of the judgment determining the claim shall be either--

- (a) the date of the Hearing if the judgment was issued orally; or,
- (b) if the judgment was reserved, the date on which the written judgment was sent to the parties.

(7) No preparation time order shall be made unless the Secretary has sent notice to the party against whom the order may be made giving him the opportunity to give reasons why the order should not be made. This paragraph shall not be taken to require the Secretary to send notice to that party if the party has been given an opportunity to give reasons orally to the [Employment Judge] or tribunal as to why the order should not be made.

(8) Where a tribunal or [Employment Judge] makes a preparation time order it or he shall provide written reasons for doing so if a request for written reasons is made within 14 days of the date of the preparation time order. The Secretary shall send a copy of the written reasons to all parties to the proceedings.

#### **When a preparation time order must be made**

### **43**

(1) Subject to rule 42(2), a tribunal [or [Employment Judge]] must make a preparation time order against a respondent where in proceedings for unfair dismissal a Hearing has been postponed or adjourned and--

- (a) the claimant has expressed a wish to be reinstated or re-engaged which has been communicated to the respondent not less than 7 days before the Hearing; and
- (b) the postponement or adjournment of that Hearing has been caused by the respondent's failure, without a special reason, to adduce reasonable evidence as to the availability of the job from which the claimant was dismissed, or of comparable or suitable employment.

(2) A preparation time order made under paragraph (1) shall relate to any preparation time spent as a result of the postponement or adjournment of the Hearing.

#### **When a preparation time order may be made**

### **44**

(1) A tribunal or [Employment Judge] may make a preparation time order when on the application of a party it has postponed the day or time fixed for or adjourned a Hearing or a pre-hearing review. The preparation time order may be against or, as the case may require, in favour of that party as respects any preparation time spent as a result of the postponement or adjournment.

(2) A tribunal or [Employment Judge] shall consider making a preparation time order against a party (the paying party) where, in the opinion of the tribunal or the [Employment Judge] (as the case may be), any of the circumstances in paragraph (3) apply. Having so considered the tribunal or [Employment Judge] may make a preparation time order against that party if it considers it appropriate to do so.

(3) The circumstances described in paragraph (2) are where the paying party has in bringing the proceedings, or he or his representative has in conducting the proceedings, acted vexatiously, abusively, disruptively or otherwise unreasonably, or the bringing or conducting of the proceedings by the paying party has been misconceived.

(4) A tribunal or [Employment Judge] may make a preparation time order against a party who has not complied with an order or practice direction.

#### **Calculation of a preparation time order**

### **45**

(1) In order to calculate the amount of preparation time the tribunal or [Employment Judge] shall make an assessment of the number of hours spent on preparation time on the basis of--

- (a) information on time spent provided by the receiving party; and
- (b) the tribunal or [Employment Judge's] own assessment of what it or he considers to be a reasonable and proportionate amount of time to spend on such preparatory work and with reference to, for example, matters such as the complexity of the proceedings, the number of witnesses and documentation required.

(2) Once the tribunal or [Employment Judge] has assessed the number of hours spent on preparation time in accordance with paragraph (1), it or he shall calculate the amount of the award to be paid to the receiving party by applying an hourly rate of £25.00 to that figure (or such other figure calculated in accordance with paragraph (4)). No preparation time order made under these rules may exceed the sum of [£20,000].

(3) The tribunal or [Employment Judge] may have regard to the paying party's ability to pay when considering whether it or he shall make a preparation time order or how much that order should be.

(4) For the year commencing on 6th April 2006, the hourly rate of £25 shall be increased by the sum of £1.00 and for each subsequent year commencing on 6 April, the hourly rate for the previous year shall also be increased by the sum of £1.00.

#### **Restriction on making costs or expenses orders and preparation time orders**

### **46**

(1) A tribunal or [Employment Judge] may not make a preparation time order and a costs order in favour of the same party in the same proceedings. However where a preparation time order is made in favour of a party in proceedings, the tribunal or [Employment Judge] may make a costs order in favour of another party or in favour of the Secretary of State under rule 38(1)(b) in the same proceedings.

(2) If a tribunal or [an Employment Judge] wishes to make either a costs order or a preparation time order in proceedings, before the claim has been determined, it or he may make an order that either costs or preparation time be awarded to the receiving party. In such circumstances a tribunal or [Employment Judge] may decide whether the award should be for costs or preparation time after the proceedings have been determined.

#### **Costs, expenses or preparation time orders when a deposit has been taken**

### **47**

(1) When:--

- (a) a party has been ordered under rule 20 to pay a deposit as a condition of being permitted to continue to participate in proceedings relating to a matter;

- (b) in respect of that matter, the tribunal or [Employment Judge] has found against that party in its or his judgment; and
- (c) no award of costs or preparation time has been made against that party arising out of the proceedings on the matter;

the tribunal or [Employment Judge] shall consider whether to make a costs or preparation time order against that party on the ground that he conducted the proceedings relating to the matter unreasonably in persisting in having the matter determined; but the tribunal or [Employment Judge] shall not make a costs or preparation time order on that ground unless it has considered the document recording the order under rule 20 and is of the opinion that the grounds which caused the tribunal or [Employment Judge] to find against the party in its judgment were substantially the same as the grounds recorded in that document for considering that the contentions of the party had little reasonable prospect of success.

(2) When a costs or preparation time order is made against a party who has had an order under rule 20 made against him (whether the award arises out of the proceedings relating to the matter in respect of which the order was made or out of proceedings relating to any other matter considered with that matter), his deposit shall be paid in part or full settlement of the costs or preparation time order--

- (a) when an order is made in favour of one party, to that party; and
- (b) when orders are made in favour of more than one party, to all of them or any one or more of them as the tribunal or [Employment Judge] thinks fit, and if to all or more than one, in such proportions as the tribunal or [Employment Judge] considers appropriate;

and if the amount of the deposit exceeds the amount of the costs or preparation time order, the balance shall be refunded to the party who paid it.

### ***Wasted costs orders against representatives***

#### **Personal liability of representatives for costs**

48

- (1) A tribunal or [Employment Judge] may make a wasted costs order against a party's representative.
- (2) In a wasted costs order the tribunal or [Employment Judge] may:--
  - (a) disallow, or order the representative of a party to meet the whole or part of any wasted costs of any party, including an order that the representative repay to his client any costs which have already been paid; and
  - (b) order the representative to pay to the Secretary of State, in whole or in part, any allowances (other than allowances paid to members of tribunals) paid by the Secretary of State under section 5(2) or (3) of the Employment Tribunals Act to any person for the purposes of, or in connection with, that person's attendance at the tribunal by reason of the representative's conduct of the proceedings.
- (3) "Wasted costs" means any costs incurred by a party:--
  - (a) as a result of any improper, unreasonable or negligent act or omission on the part of any representative; or
  - (b) which, in the light of any such act or omission occurring after they were incurred, the tribunal considers it unreasonable to expect that party to pay.
- (4) In this rule "representative" means a party's legal or other representative or any employee of such representative, but it does not include a representative who is not acting in pursuit of profit with regard to

those proceedings. A person is considered to be acting in pursuit of profit if he is acting on a conditional fee arrangement.

- (5) A wasted costs order may be made in favour of a party whether or not that party is legally represented and such an order may also be made in favour of a representative's own client. A wasted costs order may not be made against a representative where that representative is an employee of a party.
- (6) Before making a wasted costs order, the tribunal or [Employment Judge] shall give the representative a reasonable opportunity to make oral or written representations as to reasons why such an order should not be made. [The tribunal or [Employment Judge] may also have regard to the representative's ability to pay] when considering whether it shall make a wasted costs order or how much that order should be.
- (7) When a tribunal or [Employment Judge] makes a wasted costs order, it must specify in the order the amount to be disallowed or paid.
- (8) The Secretary shall inform the representative's client in writing:--
  - (a) of any proceedings under this rule; or
  - (b) of any order made under this rule against the party's representative.
- (9) Where a tribunal or [Employment Judge] makes a wasted costs order it or he shall provide written reasons for doing so if a request is made for written reasons within 14 days of the date of the wasted costs order. This 14 day time limit may not be extended under rule 10. The Secretary shall send a copy of the written reasons to all parties to the proceedings.

### ***Powers in relation to specific types of proceedings***

#### **Sexual offences and the Register**

**49**

In any proceedings appearing to involve allegations of the commission of a sexual offence the tribunal, the [Employment Judge] or the Secretary shall omit from the Register, or delete from the Register or any judgment, document or record of the proceedings, which is available to the public, any identifying matter which is likely to lead members of the public to identify any person affected by or making such an allegation.

#### **Restricted reporting orders**

**50**

- (1) A restricted reporting order may be made in the following types of proceedings:--
  - (a) any case which involves allegations of sexual misconduct;
  - [(b) proceedings under the Equality Act in which evidence of a personal nature is likely to be heard by the tribunal or an Employment Judge--
    - (i) on a complaint relating to a contravention of Part 5 so far as relating to disability;
    - (ii) on a complaint relating to a contravention of section 112 that relates to Part 5 so far as relating to disability].
- (2) A party (or where a complaint is made under the [Equality Act], the complainant) may apply for a restricted reporting order (either temporary or full) in writing to the Employment Tribunal Office, or orally at a

hearing, or the tribunal or [Employment Judge] may make the order on its or his own initiative without any application having been made.

(3) [An Employment Judge] or tribunal may make a temporary restricted reporting order without holding a hearing or sending a copy of the application to other parties.

(4) Where a temporary restricted reporting order has been made the Secretary shall inform all parties to the proceedings in writing as soon as possible of--

- (a) the fact that the order has been made; and
- (b) their right to apply to have the temporary restricted reporting order revoked or converted into a full restricted reporting order within 14 days of the temporary order having been made.

(5) If no application under [sub-]paragraph (4)(b) is made within the 14 days, the temporary restricted reporting order shall lapse and cease to have any effect on the fifteenth day after the order was made. If such an application is made the temporary restricted reporting order shall continue to have effect until the pre-hearing review or Hearing at which the application is considered.

(6) All parties must be given an opportunity to advance oral argument at a pre-hearing review or a Hearing before a tribunal or [Employment Judge] decides whether or not to make a full restricted reporting order (whether or not there was previously a temporary restricted reporting order in the proceedings).

(7) Any person may make an application to the [Employment Judge] or tribunal to have a right to make representations before a full restricted reporting order is made. The [Employment Judge] or tribunal shall allow such representations to be made where he or it considers that the applicant has a legitimate interest in whether or not the order is made.

(8) Where a tribunal or [Employment Judge] makes a restricted reporting order--

- (a) it shall specify in the order the persons who may not be identified;
- (b) a full order shall remain in force until both liability and remedy have been determined in the proceedings unless it is revoked earlier; and
- (c) the Secretary shall ensure that a notice of the fact that a restricted reporting order has been made in relation to those proceedings is displayed on the notice board of the employment tribunal with any list of the proceedings taking place before the employment tribunal, and on the door of the room in which the proceedings affected by the order are taking place.

(9) Where a restricted reporting order has been made under this rule and that complaint is being dealt with together with any other proceedings, the tribunal or [Employment Judge] may order that the restricted reporting order applies also in relation to those other proceedings or a part of them.

(10) A tribunal or [Employment Judge] may revoke a restricted reporting order at any time.

(11) For the purposes of this rule liability and remedy are determined in the proceedings on the date recorded as being the date on which the judgment disposing of the claim was sent to the parties, and references to a restricted reporting order include references to both a temporary and a full restricted reporting order.

### **Proceedings involving the National Insurance Fund**

## **51**

The Secretary of State shall be entitled to appear as if she were a party and be heard at any hearing in relation to proceedings which may involve a payment out of the National Insurance Fund, and in that event she shall be treated for the purposes of these rules as if she were a party.

### **Collective agreements**

52

Where a claim includes a complaint under [section 146(1) of the Equality Act so far as relating to sex, gender reassignment, marriage and civil partnership or pregnancy and maternity] relating to a term of a collective agreement, the following persons, whether or not identified in the claim, shall be regarded as the persons against whom a remedy is claimed and shall be treated as respondents for the purposes of these rules, that is to say--

- (a) the claimant's employer (or prospective employer); and
- (b) every organisation of employers and organisation of workers, and every association of or representative of such organisations, which, if the terms were to be varied voluntarily, would be likely, in the opinion of [an Employment Judge], to negotiate the variation;

provided that such an organisation or association shall not be treated as a respondent if the [Employment Judge], having made such enquiries of the claimant and such other enquiries as he thinks fit, is of the opinion that it is not reasonably practicable to identify the organisation or association.

### **Employment Agencies Act 1973**

53

In relation to any claim in respect of an application under section 3C of the Employment Agencies Act 1973 for the variation or revocation of a prohibition order, the Secretary of State shall be treated as the respondent in such proceedings for the purposes of these rules. In relation to such an application the claim does not need to include the name and address of the persons against whom the claim is being made.

### **National security proceedings**

54

(1) A Minister of the Crown (whether or not he is a party to the proceedings) may, if he considers it expedient in the interests of national security, direct a tribunal or [Employment Judge] by notice to the Secretary to:--

- (a) conduct proceedings in private for all or part of particular Crown employment proceedings;
- (b) exclude the claimant from all or part of particular Crown employment proceedings;
- (c) exclude the claimant's representative from all or part of particular Crown employment proceedings;
- (d) take steps to conceal the identity of a particular witness in particular Crown employment proceedings.

(2) A tribunal or [Employment Judge] may, if it or he considers it expedient in the interests of national security, by order--

- (a) do [in relation to particular proceedings before it] anything which can be required by direction to be done [in relation to particular Crown employment proceedings] under paragraph (1);
- (b) order any person to whom any document (including any judgment or record of the proceedings) has been provided for the purposes of the proceedings not to disclose any such document or the content thereof:--
  - (i) to any excluded person;

(ii) in any case in which a direction has been given under [sub-]paragraph (1)(a) or an order has been made under [sub-]paragraph (2)(a) read with [sub-]paragraph (1)(a), to any person excluded from all or part of the proceedings by virtue of such direction or order; or

(iii) in any case in which a Minister of the Crown has informed the Secretary in accordance with paragraph (3) that he wishes to address the tribunal or [Employment Judge] with a view to an order being made under [sub-]paragraph (2)(a) read with [sub-]paragraph (1)(b) or (c), to any person who may be excluded from all or part of the proceedings by virtue of such an order, if an order is made, at any time before the tribunal or [Employment Judge] decides whether or not to make such an order;

(c) take steps to keep secret all or part of the reasons for its judgment.

The tribunal or [Employment Judge] (as the case may be) shall keep under review any order it or he has made under this paragraph.

(3) In any proceedings in which a Minister of the Crown considers that it would be appropriate for a tribunal or [Employment Judge] to make an order as referred to in paragraph (2), he shall (whether or not he is a party to the proceedings) be entitled to appear before and to address the tribunal or [Employment Judge] thereon. The Minister shall inform the Secretary by notice that he wishes to address the tribunal or [Employment Judge] and the Secretary shall copy the notice to the parties.

(4) When exercising its or his functions, a tribunal or [Employment Judge] shall ensure that information is not disclosed contrary to the interests of national security.

#### **Dismissals in connection with industrial action**

**55**

(1) In relation to a complaint under section 111 of the Employment Rights Act 1996 (unfair dismissal: complaints to employment tribunal) that a dismissal is unfair by virtue of section 238A of TULR(C)A (participation in official industrial action) a tribunal or [Employment Judge] may adjourn the proceedings where civil proceedings have been brought until such time as interim proceedings arising out of the civil proceedings have been concluded.

(2) In this rule--

(a) "civil proceedings" means legal proceedings brought by any person against another person in which it is to be determined whether an act of that other person, which induced the claimant to commit an act, or each of a series of acts, is by virtue of section 219 of TULR(C)A not actionable in tort or in delict; and

(b) the interim proceedings shall not be regarded as having concluded until all rights of appeal have been exhausted or the time for presenting any appeal in the course of the interim proceedings has expired.

#### **Devolution issues**

**56**

(1) In any proceedings in which a devolution issue within the definition of the term in paragraph 1 of Schedule 6 to the Scotland Act 1998 arises, the Secretary shall as soon as reasonably practicable by notice inform the Advocate General for Scotland and the Lord Advocate thereof (unless they are a party to the proceedings) and shall at the same time--

(a) send a copy of the notice to the parties to the proceedings; and

(b) send the Advocate General for Scotland and the Lord Advocate a copy of the claim and the response.

(2) In any proceedings in which a devolution issue within the definition of the term in paragraph 1 of [Schedule 9 to the Government of Wales Act 2006] arises, the Secretary shall as soon as reasonably practicable by notice inform the Attorney General and the [Counsel General to the Welsh Assembly Government] thereof (unless they are a party to the proceedings) and shall at the same time--

- (a) send a copy of the notice to the parties to the proceedings; and
- (b) send the Attorney General and the [Counsel General to the Welsh Assembly Government] a copy of the claim and the response.

(3) A person to whom notice is given in pursuance of paragraph (1) or (2) may within 14 days of receiving it, by notice to the Secretary, take part as a party in the proceedings, so far as they relate to the devolution issue. The Secretary shall send a copy of the notice to the other parties to the proceedings.

### **Transfer of proceedings between Scotland and England & Wales**

**57**

(1) The President (England and Wales) or a Regional [Employment Judge] may at any time, with the consent of the President (Scotland), order any proceedings in England and Wales to be transferred to an Employment Tribunal Office in Scotland if it appears to him that the proceedings could be (in accordance with regulation 19), and would more conveniently be, determined in an employment tribunal located in Scotland.

(2) The President (Scotland) or the Vice President may at any time, with the consent of the President (England and Wales), order any proceedings in Scotland to be transferred to an Employment Tribunal Office in England and Wales if it appears to him that the proceedings could be (in accordance with regulation 19), and would more conveniently be, determined in an employment tribunal located in England or Wales.

(3) An order under paragraph (1) or (2) may be made by the President, Vice President or Regional [Employment Judge] without any application having been made by a party. A party may apply for an order under paragraph (1) or (2) in accordance with rule 11.

(4) Where proceedings have been transferred under this rule, they shall be treated as if in all respects they had been presented to the Secretary by the claimant.

### **References to the European Court of Justice**

**58**

Where a tribunal or [Employment Judge] makes an order referring a question to the European Court of Justice for a preliminary ruling under [Article 267 of the Treaty on the Functioning of the European Union], the Secretary shall send a copy of the order to the Registrar of that Court.

### **Transfer of proceedings from a court**

**59**

Where proceedings are referred to a tribunal by a court, these rules shall apply to them as if the proceedings had been sent to the Secretary by the claimant.

## ***General provisions***

### **Powers**

**60**



- (1) Subject to the provisions of these rules and any practice directions, a tribunal or [Employment Judge] may regulate its or his own procedure.
- (2) At a Hearing, or a pre-hearing review held in accordance with rule 18(3), a tribunal may make any order which [an Employment Judge] has power to make under these rules, subject to compliance with any relevant notice or other procedural requirements.
- (3) Any function of the Secretary may be performed by a person acting with the authority of the Secretary.
- [(4) Where the Attorney-General, or Lord Advocate, makes a request to search for, inspect and take a copy of any relevant documents within a case file (including documents held electronically) for the purpose of preparing an application or considering whether to make an application under section 42 of the [Senior Courts Act 1981], (or where the request is made by the Lord Advocate, section 1 of the Vexatious Actions (Scotland) Act 1898) or section 33 of the Employment Tribunals Act 1996 (restriction of vexatious proceedings), the Secretary shall send notice of or a copy of any relevant document which relates to any proceedings before the tribunal, or any decision, order or award of the tribunal.]

#### **Notices, etc**

### **61**

- (1) Any notice given or document sent under these rules shall (unless [an Employment Judge] or tribunal orders otherwise) be in writing and may be given or sent--
  - (a) by post;
  - (b) by . . . means of electronic communication; or
  - (c) by personal delivery.
- (2) Where a notice or document has been given or sent in accordance with paragraph (1), that notice or document shall, unless the contrary is proved, be taken to have been received by the party to whom it is addressed--
  - (a) in the case of a notice or document given or sent by post, on the day on which the notice or document would be delivered in the ordinary course of post;
  - (b) in the case of a notice or document transmitted by . . . means of electronic communication, on the day on which the notice or document is transmitted;
  - (c) in the case of a notice or document delivered in person, on the day on which the notice or document is delivered.
- (3) All notices and documents required by these rules to be presented to the Secretary or an Employment Tribunal Office, other than a claim, shall be presented at the Employment Tribunal Office as notified by the Secretary to the parties.
- (4) All notices and documents required or authorised by these rules to be sent or given to any person listed below may be sent to or delivered at--
  - (a) in the case of a notice or document directed to the Secretary of State in proceedings to which she is not a party and which are brought under section 170 of the Employment Rights Act, the offices of the Redundancy Payments Directorate of the Insolvency Service at PO Box 203, 21 Bloomsbury Street, London WC1B 3QW, or such other office as may be notified by the Secretary of State;
  - (b) in the case of any other notice or document directed to the Secretary of State in proceedings to which she is not a party (or in respect of which she is treated as a party for the purposes of these rules by rule 51), the offices of [the Department for Business, Innovation and Skills] ([Legal Services Directo-

rate)) at 1 Victoria Street, London, SW1H 0ET, or such other office as be notified by the Secretary of State;

(c) in the case of a notice or document directed to the Attorney General under rule 56, the Attorney General's Chambers, [20 Victoria Street, London SW1H 0NF];

(d) in the case of a notice or document directed to the [Counsel General to the Welsh Assembly Government] under rule 56, the [Counsel General to the Welsh Assembly Government], Crown Buildings, Cathays Park, Cardiff, CF10 3NQ;

(e) in the case of a notice or document directed to the Advocate General for Scotland under rule 56, the Office of the Solicitor to the Advocate General for Scotland, Victoria Quay, Edinburgh, EH6 6QQ;

(f) in the case of a notice or document directed to the Lord Advocate under rule 56, the Legal Secretariat to the Lord Advocate, 25 Chambers Street, Edinburgh, EH1 1LA;

(g) in the case of a notice or document directed to a court, the office of the clerk of the court;

(h) in the case of a notice or document directed to a party:--

(i) the address specified in the claim or response to which notices and documents are to be sent, or in a notice under paragraph (5); or

(ii) if no such address has been specified, or if a notice sent to such an address has been returned, to any other known address or place of business in the United Kingdom or, if the party is a corporate body, the body's registered or principal office in the United Kingdom, or, in any case, such address or place outside the United Kingdom as the President, Vice President or a Regional [Employment Judge] may allow;

(i) in the case of a notice or document directed to any person (other than a person specified in the foregoing provisions of this paragraph), his address or place of business in the United Kingdom or, if the person is a corporate body, the body's registered or principal office in the United Kingdom;

and a notice or document sent or given to the authorised representative of a party shall be taken to have been sent or given to that party.

(5) A party may at any time by notice to the Employment Tribunal Office and to the other party or parties (and, where appropriate, to the appropriate conciliation officer) change the address to which notices and documents are to be sent or transmitted.

(6) The President, Vice President or a Regional [Employment Judge] may order that there shall be substituted service in such manner as he may deem fit in any case he considers appropriate.

(7) In proceedings which may involve a payment out of the National Insurance Fund, the Secretary shall, where appropriate, send copies of all documents and notices to the Secretary of State whether or not she is a party.

[(8) In proceedings under the [Equality Act of the kind referred to in paragraph (9)], copies of every document sent to the parties under rules 29, 30 or 32 shall be sent by the Secretary to the Commission for Equality and Human Rights.]

[(9) The proceedings referred to in paragraph (8) are--

(a) proceedings on a complaint relating to a breach of an equality clause or rule within the meaning of the Equality Act;

(b) proceedings on a complaint relating to a contravention of that Act so far as relating to sex, gender reassignment, marriage and civil partnership, pregnancy and maternity, race or disability;

(c) proceedings on a complaint under section 146(1) of that Act so far as relating to sex, gender reassignment, marriage and civil partnership, pregnancy and maternity, race or disability.]

[(10) Paragraph (8) shall not apply in any proceedings where--

- (a) a Minister of the Crown has given a direction, or a tribunal or an Employment Judge has made an order, under rule 54 in those proceedings; and
- (b) either the Security Service, the Secret Intelligence Service or the Government Communications Headquarters is a party to those proceedings.]

## NOTES

### Initial Commencement

#### *Specified date*

Specified date: 1 October 2004: see reg 1(2).

### Amendment

Rule 1: in para (1) words omitted revoked by SI 2008/3240, regs 2, 4(1), (2)(a).

Date in force: 6 April 2009: see SI 2008/3240, reg 1; for transitional provisions see reg 8 thereof.

Rule 1: in para (3) words "1st October 2005" in square brackets substituted by SI 2005/435, reg 2.

Date in force: 5 April 2005: see SI 2005/435, reg 1.

Rule 1: in para (4) words omitted revoked by SI 2008/3240, regs 2, 4(1), (2)(b).

Date in force: 6 April 2009: see SI 2008/3240, reg 1; for transitional provisions see reg 8 thereof.

Rule 1: para (4)(f)-(i) revoked by SI 2008/3240, regs 2, 4(1), (2)(c).

Date in force: 6 April 2009: see SI 2008/3240, reg 1; for transitional provisions see reg 8 thereof.

Rule 1: para (5) revoked by SI 2008/3240, regs 2, 4(1), (2)(d).

Date in force: 6 April 2009: see SI 2008/3240, reg 1; for transitional provisions see reg 8 thereof.

Rule 1: para (6) revoked by SI 2008/3240, regs 2, 4(1), (2)(d).

Date in force: 6 April 2009: see SI 2008/3240, reg 1; for transitional provisions see reg 8 thereof.

Rule 1: para (8) revoked by SI 2008/3240, regs 2, 4(1), (2)(d).

Date in force: 6 April 2009: see SI 2008/3240, reg 1; for transitional provisions see reg 8 thereof.

Rule 2: in para (2)(d) words "may be" in square brackets substituted by SI 2008/3240, regs 2, 4(1), (3)(a).

Date in force: 6 April 2009: see SI 2008/3240, reg 1.

Rule 2: in para (2)(d) word "and" in square brackets inserted by SI 2008/3240, regs 2, 4(1), (3)(a).

Date in force: 6 April 2009: see SI 2008/3240, reg 1.

Rule 2: para (2)(e) revoked by SI 2008/3240, regs 2, 4(1), (3)(b).

Date in force: 6 April 2009: see SI 2008/3240, reg 1.

Rule 2: paras (3), (4) inserted by SI 2010/131, reg 2(1), (2).

Date in force: 6 April 2010: see SI 2010/131, reg 1; for transitional provisions see reg 3 thereof.

Rule 3: in para (2)(a) word "or" in square brackets inserted by SI 2008/3240, regs 2, 4(1), (4)(a).

Date in force: 6 April 2009: see SI 2008/3240, reg 1; for transitional provisions see reg 8 thereof.

Rule 3: para (2)(c) and word omitted immediately preceding it revoked by SI 2008/3240, regs 2, 4(1), (4)(a), (b).

Date in force: 6 April 2009: see SI 2008/3240, reg 1; for transitional provisions see reg 8 thereof.

Rule 3: in para (3) words "an Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(b).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 3: in paras (3)-(5) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 3: para (6) revoked by SI 2008/3240, regs 2, 4(1), (4)(c).

Date in force: 6 April 2009: see SI 2008/3240, reg 1; for transitional provisions see reg 8 thereof.

Rule 3: in para (7) words omitted revoked by SI 2008/3240, regs 2, 4(1), (4)(d).

Date in force: 6 April 2009: see SI 2008/3240, reg 1; for transitional provisions see reg 8 thereof.

Rule 3: in paras (7), (8) words "an Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(b).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 3: in para (9) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 4: in para (2) words "1st October 2005" in square brackets substituted by SI 2005/435, reg 2.

Date in force: 5 April 2005: see SI 2005/435, reg 1.

Rule 4: in para (4) words omitted revoked by SI 2008/3240, regs 2, 4(1), (5)(a).

Date in force: 6 April 2009: see SI 2008/3240, reg 1.

Rule 4: in para (4) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 4: paras (4A)-(4E) inserted by SI 2008/3240, regs 2, 4(1), (5)(b).

Date in force: 6 April 2009: see SI 2008/3240, reg 1.

Rule 6: in para (3) words "an Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(b).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 6: in paras (3)-(5) words "Employment Judge" in square bracket substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 6: in para (6) words "an Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(b).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 6: in para (6) words "is to be" in square brackets substituted by SI 2008/3240, regs 2, 4(1), (6).

Date in force: 6 April 2009: see SI 2008/3240, reg 1.

Rule 7: in para (2) words "An Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(b).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 8: para (1) substituted by SI 2008/3240, regs 2, 4(1), (7)(a).

Date in force: 6 April 2009: see SI 2008/3240, reg 1; for transitional provisions see reg 9 thereof.

Rule 8: paras (1A), (1B) inserted by SI 2008/3240, regs 2, 4(1), (7)(b).

Date in force: 6 April 2009: see SI 2008/3240, reg 1; for transitional provisions see reg 9 thereof.

Rule 8: para (2) substituted by SI 2004/2351, reg 2(1), (9)(a).

Date in force: 1 October 2004: see SI 2004/2351, reg 1.

Rule 8: in para (2) words "Subject to paragraphs (2A) and (6), those circumstances" in square brackets substituted by SI 2008/3240, regs 2, 4(1), (7)(c).

Date in force: 6 April 2009: see SI 2008/3240, reg 1; for transitional provisions see reg 9 thereof.

Rule 8: in para (2)(b) words "an Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(b).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 8: para (2A) inserted by SI 2008/3240, regs 2, 4(1), (7)(d).

Date in force: 6 April 2009: see SI 2008/3240, reg 1; for transitional provisions see reg 9 thereof.

Rule 8: in para (3) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 8: in para (4) words "an Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(b).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 8: in para (4) words "apply to" in square brackets inserted by SI 2008/3240, regs 2, 4(1), (7)(e).

Date in force: 6 April 2009: see SI 2008/3240, reg 1; for transitional provisions see reg 9 thereof.

Rule 8: para (6) substituted by SI 2008/3240, regs 2, 4(1), (7)(f).

Date in force: 6 April 2009: see SI 2008/3240, reg 1; for transitional provisions see reg 9 thereof.

Rule 9: para (aa) inserted by SI 2008/3240, regs 2, 4(1), (8).

Date in force: 6 April 2009: see SI 2008/3240, reg 1.

Rule 9: in para (b) words "rule 34(3)(a), (b) or (e)" in square brackets substituted by SI 2005/1865, reg 2(1), (4)(a).

Date in force: 1 October 2005: see SI 2005/1865, reg 1.

Rule 10: in para (1) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 10: in para (1) words "an Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(b).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 10: in para (2)(d) word "or" in square brackets inserted by SI 2008/3240, regs 2, 4(1), (9)(a).

Date in force: 6 April 2009: see SI 2008/3240, reg 1.

Rule 10: in para (2)(f), (k), (r) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 10: para (2)(g) revoked by SI 2008/3240, regs 2, 4(1), (9)(b).

Date in force: 6 April 2009: see SI 2008/3240, reg 1.

Rule 10: in para (5) word omitted revoked by SI 2005/1865, reg 2(1), (4)(b).

Date in force: 1 October 2005: see SI 2005/1865, reg 1.

Rule 10: in para (5) word "sub-" in square brackets inserted by SI 2008/3240, regs 2, 4(1), (9)(c).

Date in force: 6 April 2009: see SI 2008/3240, reg 1.

Rule 10: in para (7) word "sub-" in square brackets inserted by SI 2008/3240, regs 2, 4(1), (9)(d).

Date in force: 6 April 2009: see SI 2008/3240, reg 1.

Rule 10: in para (8) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 10: in para (8) words "(except where the order is for a witness order described in rule 10(2)(c) only)" in square brackets inserted by SI 2008/3240, regs 2, 4(1), (9)(e).

Date in force: 6 April 2009: see SI 2008/3240, reg 1.

Rule 11: in paras (2), (3) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 11: in para (2) words "an Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(b).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 11: in para (4)(a) word "made" in square brackets substituted by SI 2008/3240, regs 2, 4(1), (10)(a).

Date in force: 6 April 2009: see SI 2008/3240, reg 1.

Rule 11: para (4)(b) substituted by SI 2008/3240, regs 2, 4(1), (10)(b).

Date in force: 6 April 2009: see SI 2008/3240, reg 1.

Rule 11: para (4A) inserted by SI 2008/3240, regs 2, 4(1), (10)(c).

Date in force: 6 April 2009: see SI 2008/3240, reg 1.

Rule 11: para (5) substituted by SI 2008/3240, regs 2, 4(1), (10)(d).

Date in force: 6 April 2009: see SI 2008/3240, reg 1.

Rule 11: in para (6) words "An Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(b).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 12 heading: words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(a).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 12: in paras (1)-(3) words "an Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(b).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 12: in para (2)(a) word "sub-" in square brackets inserted by SI 2008/3240, regs 2, 4(1), (11)(a).

Date in force: 6 April 2009: see SI 2008/3240, reg 1.

Rule 12: in para (3) word "sub-" in square brackets inserted by SI 2008/3240, regs 2, 4(1), (11)(b).

Date in force: 6 April 2009: see SI 2008/3240, reg 1.

Rule 13: in para (1) words "an Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(b).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 13: in para (3) words "Employment Judges" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(d).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 14: in para (1) words "An Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(b).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 14: para (1)(bb) inserted by SI 2008/3240, regs 2, 4(1), (12).

Date in force: 6 April 2009: see SI 2008/3240, reg 1.

Rule 14: in paras (2), (3) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 14: in para (6) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.



Rule 15: substituted by SI 2008/3240, regs 2, 4(1), (13).

Date in force: 6 April 2009: see SI 2008/3240, reg 1.

Rule 16: in paras (1), (2) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 16: in para (2) words omitted revoked by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(e).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 17: in para (1) words "shall be held in private" in square brackets substituted by SI 2005/1865, reg 2(1), (4)(c).

Date in force: 1 October 2005: see SI 2005/1865, reg 1.

Rule 17: in para (1) words "an Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(b).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 18: in para (1) words "an Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(b).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 18: in para (2) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 18: para (2)(e) revoked by SI 2008/3240, regs 2, 4(1), (14)(a).

Date in force: 6 April 2009: see SI 2008/3240, reg 1.

Rule 18: in para (3) words omitted revoked by SI 2008/3240, regs 2, 4(1), (14)(b).

Date in force: 6 April 2009: see SI 2008/3240, reg 1.

Rule 18: in para (3) words "an Employment Judge" in square brackets in both places they occur substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(b).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 18: in para (4) words "an Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(b).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 18: in para (5) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 18: in para (6) word "orders" in square brackets in both places it occurs substituted by SI 2005/1865, reg 2(1), (4)(d).

Date in force: 1 October 2005: see SI 2005/1865, reg 1.

Rule 18: in para (7) words "an Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(b).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 18: in para (7)(f) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 18: in para (9) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 18A: inserted by SI 2008/3240, regs 2, 4(1), (15).

Date in force: 6 April 2009: see SI 2008/3240, reg 1.

Rule 19: in para (1) words "an Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(b).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 19: in para (1) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 20: in para (1) words "an Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(b).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 20: in paras (1)-(3) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 20: in para (1) sum "£1,000" in square brackets substituted by SI 2012/468, reg 2(1), (2).

Date in force: 6 April 2012: see SI 2012/468, reg 1; for transitional provisions see reg 3 thereof.

Rule 20: in para (4)(b) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 20: in para (4) words "an Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(b).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rules 22-24: revoked by SI 2008/3240, regs 2, 4(1), (16).

Date in force: 6 April 2009: see SI 2008/3240, reg 1.

Rule 25: in para (4) words from ", the claimant may" to "reviewed or appealed)" in square brackets substituted by SI 2008/3240, regs 2, 4(1), (17)(a).

Date in force: 6 April 2009: see SI 2008/3240, reg 1.

Rule 25: in para (5) words "an Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(b).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 25A: inserted by SI 2008/3240, regs 2, 4(1), (17)(b).

Date in force: 6 April 2009: see SI 2008/3240, reg 1; for transitional provisions see reg 10 thereof.

Rule 26: para (4) inserted by SI 2008/3240, regs 2, 4(1), (18).

Date in force: 6 April 2009: see SI 2008/3240, reg 1.

Rule 27: para (1) (as originally enacted) revoked by SI 2008/3240, regs 2, 4(1), (19).

Date in force: 6 April 2009: see SI 2008/3240, reg 1.

Rule 27: para (1) renumbered as such (originally para (2)) by SI 2012/468, reg 2(1), (3).

Date in force: 6 April 2012: see SI 2012/468, reg 1; for transitional provisions see reg 3 thereof.

Rule 27: new para (2) inserted by SI 2012/468, reg 2(1), (3).

Date in force: 6 April 2012: see SI 2012/468, reg 1; for transitional provisions see reg 3 thereof.

Rule 27: in para (7) words "an Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(b).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 28: in para (1) words "Employment Judges" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(d).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 28: in para (2) words "an Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(b).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 28: in paras (3), (4) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 29: in para (1) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 30: in paras (1), (2) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 30: in para (3) words in square brackets ending with the words ", written reasons shall only be provided" substituted by SI 2004/2351, reg 2(1), (9)(c).

Date in force: 1 October 2004: see SI 2004/2351, reg 1.

Rule 30: in para (3) words "Where oral reasons have been provided" in square brackets substituted by SI 2005/1865, reg 2(1), (4)(h).

Date in force: 1 October 2005: see SI 2005/1865, reg 1.

Rule 30: in para (4) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 30: in para (5) words "an Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(b).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 30: in para (6)(a) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 31 heading: words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(a).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 31: words "Employment Judge" in square brackets in each place they occur substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 32: in para (2) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 33: in para (1) words "an Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(b).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 33: in para (2) words "(where that has not been received by the Employment Tribunal Office)" in square brackets inserted by SI 2008/3240, regs 2, 4(1), (20)(a).

Date in force: 6 April 2009: see SI 2008/3240, reg 1.

Rule 33: para (2A) inserted by SI 2008/3240, regs 2, 4(1), (20)(b).

Date in force: 6 April 2009: see SI 2008/3240, reg 1.

Rule 33: in para (3) words "an Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(b).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 33: words from "unless all the" to "without a hearing" in square brackets inserted by SI 2008/3240, regs 2, 4(1), (20)(c).

Date in force: 6 April 2009: see SI 2008/3240, reg 1.

Rule 34: in para (4) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 33: in para (4) words "Employment Judge's" in square brackets substituted by virtue of SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 33: in para (5) words "An Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(b).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 33: in paras (6), (7) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 33: para (8) inserted by SI 2008/3240, regs 2, 4(1), (20)(d).

Date in force: 6 April 2009: see SI 2008/3240, reg 1; for transitional provisions see reg 11 thereof.

Rule 34: in para (1) words "an Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(b).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 34: in para (4) word "sub-" in square brackets inserted by SI 2008/3240, regs 2, 4(1), (21).

Date in force: 6 April 2009: see SI 2008/3240, reg 1.

Rule 34: in para (5) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 35: in para (1) words "an Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(b).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 35: in para (3) words "Employment Judge" in square brackets in each place they occur substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 35: in para (4) words "Employment Judge's" in square brackets substituted by virtue of SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 36: words "Employment Judge" in square brackets in each place they occur substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 36: in para (3) words "an Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(b).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 37: in para (1) words "Employment Judge" in square brackets in both places they occur substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 38: in paras (1), (2) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 38: para (1)(c) inserted by SI 2012/468, reg 2(1), (4).

Date in force: 6 April 2012: see SI 2012/468, reg 1; for transitional provisions see reg 3 thereof.

Rule 38: in para (2) words "40(1) to (4)" in square brackets substituted by SI 2012/468, reg 2(1), (5).

Date in force: 6 April 2012: see SI 2012/468, reg 1; for transitional provisions see reg 3 thereof.

Rule 38: in para (2) words in square brackets beginning with the word "or" inserted by SI 2005/1865, reg 2(1), (4)(i).

Date in force: 1 October 2005: see SI 2005/1865, reg 1.

Rule 38: in para (3) words ", including sums paid pursuant to an order under paragraph (1)(c)" inserted by SI 2012/468, reg 2(1), (6).

Date in force: 6 April 2012: see SI 2012/468, reg 1; for transitional provisions see reg 3 thereof.

Rule 38: in para (5)(c) words "solicitor of the Court of Judicature of Northern Ireland" in square brackets substituted by the Constitutional Reform Act 2005, s 59(5), Sch 11, Pt 3, para 5.

Date in force: 1 October 2009: see SI 2009/1604, art 2(d).

Rule 38: in para (7) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 38: in paras (9), (10) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 39: in para (1) words in square brackets beginning with the word "or" inserted by SI 2005/1865, reg 2(1), (4)(i).

Date in force: 1 October 2005: see SI 2005/1865, reg 1.

Rule 39: in para (1) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 40: in para (1) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 40: in para (2) words "Employment Judge" in square brackets in each place they occur substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 40: in para (4) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 40: para (5) inserted by SI 2012/468, reg 2(1), (7).

Date in force: 6 April 2012: see SI 2012/468, reg 1; for transitional provisions see reg 3 thereof.

Rule 41: in para (1)(a) sum "£20,000" in square brackets substituted by SI 2012/468, reg 2(1), (8).

Date in force: 6 April 2012: see SI 2012/468, reg 1; for transitional provisions see reg 3 thereof.

Rule 41: in para (2) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 41: in para (3) sum "£20,000" in square brackets substituted by SI 2012/468, reg 2(1), (8).

Date in force: 6 April 2012: see SI 2012/468, reg 1; for transitional provisions see reg 3 thereof.

Rule 42: in para (1) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 42: in para (5) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 42: in paras (7), (8) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 43: in para (1) words in square brackets beginning with the word "or" inserted by SI 2005/1865, reg 2(1), (4)(i).

Date in force: 1 October 2005: see SI 2005/1865, reg 1.

Rule 43: in para (1) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 44: in para (1) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 44: in para (2) words "Employment Judge" in square brackets in each place they occur substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 44: in para (4) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 45: in paras (1)-(3) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.



Rule 45: in para (1)(b) words "Employment Judge's" in square brackets substituted by virtue of SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 45: in para (2) sum "£20,000" in square brackets substituted by SI 2012/468, reg 2(1), (8).

Date in force: 6 April 2012: see SI 2012/468, reg 1; for transitional provisions see reg 3 thereof.

Rule 46: in para (1) words "Employment Judge" in square brackets in both places they occur substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 46: in para (2) words "an Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(b).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 46: in para (2) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 47: in para (1) words "Employment Judge" in square brackets in each place they occur substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 47: in para (2)(b) words "Employment Judge" in square brackets in both places they occur substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 48: in paras (1), (2) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 48: in para (6) words "Employment Judge" in square brackets in both places they occur substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 48: in para (6) words from "The tribunal or" to "ability to pay" in square brackets substituted by SI 2004/2351, reg 2(1), (9)(d).

Date in force: 1 October 2004: see SI 2004/2351, reg 1.

Rule 48: in para (7) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 48: in para (9) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 49: words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 50: para (1)(b) substituted by SI 2010/2317, art 24, Sch 8, para 5(1), (2).

Date in force: 1 October 2010: see SI 2010/2317, art 1(2).

Rule 50: in para (2) words "Equality Act" in square brackets substituted by SI 2010/2317, art 24, Sch 8, para 5(3).

Date in force: 1 October 2010: see SI 2010/2317, art 1(2).

Rule 50: in para (2) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 50: in para (3) words "An Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(b).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 50: in para (5) word "sub-" in square brackets inserted by SI 2008/3240, regs 2, 4(1), (22).

Date in force: 6 April 2009: see SI 2008/3240, reg 1.

Rule 50: in para (6) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 50: in para (7) words "Employment Judge" in square brackets in both places they occur substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 50: in paras (8)-(10) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 52: words "section 146(1) of the Equality Act so far as relating to sex, gender reassignment, marriage and civil partnership or pregnancy and maternity" in square brackets substituted by SI 2010/2317, art 24, Sch 8, para 5(1), (4).

Date in force: 1 October 2010: see SI 2010/2317, art 1(2).

Rule 52: in para (b) words "an Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(b).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 52: words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 54: in para (1) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 54: in para (2) words "Employment Judge" in square brackets in each place they occur substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 54: in para (2)(a) words "in relation to particular proceedings before it" and "in relation to particular Crown employment proceedings" in square brackets inserted by SI 2005/1865, reg 2(1), (4)(j).

Date in force: 1 October 2005: see SI 2005/1865, reg 1.

Rule 54: in para (2)(b)(ii) word "sub-" in square brackets in each place it occurs inserted by SI 2008/3240, regs 2, 4(1), (23)(a).

Date in force: 6 April 2009: see SI 2008/3240, reg 1.

Rule 54: in para (2)(b)(iii) word "sub-" in square brackets in both places it occurs inserted by SI 2008/3240, regs 2, 4(1), (23)(b).

Date in force: 6 April 2009: see SI 2008/3240, reg 1.

Rule 54: in para (3) words "Employment Judge" in square brackets in each place they occur substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 54: in para (4) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 55: in para (1) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 56: in para (2) words "Schedule 9 to the Government of Wales Act 2006" in square brackets substituted by SI 2007/2142, art 4(1), (2)(a).

Date in force: 26 July 2007: see SI 2007/2142, art 1(2).

Rule 56: in para (2) words "Counsel General to the Welsh Assembly Government" in square brackets in both places they occur substituted by SI 2007/2142, art 4(1), (2)(b).

Date in force: 26 July 2007: see SI 2007/2142, art 1(2).

Rule 57: in para (1) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 57: in para (3) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 58: words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Para 58: words "Article 267 of the Treaty on the Functioning of the European Union" in square brackets substituted by SI 2012/1809, art 3(1), Schedule, Pt 2.

Date in force: 1 August 2012 (except in its application to things done before 1 December 2009, being the date on which the Treaty of Lisbon came into force): see SI 2012/1809, art 2.

Rule 60: in para (1) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 60: in para (2) words "an Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(b).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 60: para (4) inserted by SI 2008/3240, regs 2, 4(1), (24).

Date in force: 6 April 2009: see SI 2008/3240, reg 1.

Rule 60: in para (4) words "Senior Courts Act 1981" in square brackets substituted by the Constitutional Reform Act 2005, s 59(5), Sch 11, Pt 1, para 1(2).

Date in force: 1 October 2009: see SI 2009/1604, art 2(d).

Rule 61: in para (1) words "an Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(b).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 61: in para (1)(b) words omitted revoked by SI 2008/3240, regs 2, 4(1), (25)(a).

Date in force: 6 April 2009: see SI 2008/3240, reg 1.

Rule 61: in para (2)(b) words omitted revoked by SI 2008/3240, regs 2, 4(1), (25)(b).

Date in force: 6 April 2009: see SI 2008/3240, reg 1.

Rule 61: in para (4)(b) words "the Department for Business, Innovation and Skills" in square brackets substituted by SI 2009/2748, art 8, Schedule, Pt 2, para 28.

Date in force: 13 November 2009: see SI 2009/2748, art 1(2).

Rule 61: in para (4)(b) words "Legal Services Directorate" in square brackets substituted by SI 2008/3240, regs 2, 4(1), (25)(c).

Date in force: 6 April 2009: see SI 2008/3240, reg 1.

Rule 61: in para (4)(c) words "20 Victoria Street, London SW1H 0NF" in square brackets substituted by SI 2008/3240, regs 2, 4(1), (25)(d).

Date in force: 6 April 2009: see SI 2008/3240, reg 1.

Rule 61: in para (4)(d) words "Counsel General to the Welsh Assembly Government" in square brackets substituted by SI 2007/2142, art 4(1), (3)(a).

Date in force: 26 July 2007: see SI 2007/2142, art 1(2).

Rule 61: in para (4)(d) words "Counsel General to the Welsh Assembly Government" in square brackets substituted by SI 2007/2142, art 4(1), (3)(b).

Date in force: 26 July 2007: see SI 2007/2142, art 1(2).

Rule 61: in para (4)(h)(ii) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 61: in para (6) words "Employment Judge" in square brackets substituted by SI 2008/2683, art 6(1), Sch 1, paras 240, 255(c).

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Rule 61: para (8) substituted by SI 2007/2602, art 4(1), Schedule, para 7(b).

Date in force: 1 October 2007: see SI 2007/2602, art 1(1).

Rule 61: in para (8) words "Equality Act of the kind referred to in paragraph (9)" in square brackets substituted by SI 2010/2317, art 24, Sch 8, para 5(1), (5).

Date in force: 1 October 2010: see SI 2010/2317, art 1(2).

Rule 61: para (9) inserted by SI 2010/2317, art 24, Sch 8, para 5(1), (6).

Date in force: 1 October 2010: see SI 2010/2317, art 1(2).

Rule 61: para (10) inserted by SI 2012/468, reg 2(1), (9).

Date in force: 6 April 2012: see SI 2012/468, reg 1; for transitional provisions see reg 3 thereof.

**[Annex  
List of Regulators]**

**NOTES**

**Amendment**

Inserted by SI 2010/131, reg 2(1), (3).

Date in force: 6 April 2010: see SI 2010/131, reg 1; for transitional provisions see reg 3 thereof.

[Accounts Commission for Scotland and auditors appointed by the Commission to audit the accounts of local government bodies.

Audit Commission for England and Wales and auditors appointed by the Commission to audit the accounts of local government, and health service, bodies.

Certification Officer.

Charity Commissioners for England and Wales.

The Scottish Ministers.

Chief Executive of the Criminal Cases Review Commission.

Chief Executive of the Scottish Criminal Cases Review Commission.

Civil Aviation Authority.

Office of Communications.

The competent authority under Part IV of the Financial Services and Markets Act 2000.

Commissioners for Her Majesty's Revenue and Customs.

[Comptroller and Auditor General.]

Auditor General for Wales.

Auditor General for Scotland and persons appointed by that person (or on behalf of that person) under the Public Finance and Accountability (Scotland) Act 2000 to act as auditors or examiners for the purposes of sections 21 to 24 of that Act.

Audit Scotland.

Gas and Electricity Markets Authority.

Water Services Regulation Authority.

. . .

Water Industry Commission for Scotland.

Water Industry Commissioner for Scotland.

Director of the Serious Fraud Office.

Lord Advocate, Scotland.

Environment Agency.

Scottish Environment Protection Agency.

Food Standards Agency.

Financial Services Authority.

The Financial Reporting Council Limited and its operating bodies the Professional Oversight Board, the Financial Reporting Review Panel and the Accountancy and Actuarial Discipline Board.

. . .

Care Council for Wales.

Scottish Social Services Council.

Children's Commissioner.

Commissioner for Children and Young People in Scotland.

Children's Commissioner for Wales.

Health and Safety Executive.

Regulator of Social Housing.

Local authorities which are responsible for the enforcement of health and safety legislation.

Independent Police Complaints Commission.

Information Commissioner.

Scottish Information Commissioner.

Care Quality Commission.

[Monitor.]

National Assembly for Wales.

[Healthcare Improvement Scotland.

Social Care and Social Work Improvement Scotland.]

Pensions Regulator.

Office of Fair Trading.

Office of Rail Regulation.

Standards Board for England.

Local Commissioner in Wales.

Standards Commission for Scotland and the Chief Investigating Officer.

Treasury.

Secretary of State for Business, Innovation and Skills.

Secretary of State for Transport.

Local authorities which are responsible for the enforcement of consumer protection legislation.

Local authorities which are responsible for the enforcement of food standards.

A person (regulator A) carrying out functions, by virtue of legislation, relating to matters in respect of which another regulator (regulator B), who is listed in this Schedule, was previously responsible for carrying out the same or substantially similar functions and has ceased to be so responsible.]

## NOTES

### Amendment

Inserted by SI 2010/131, reg 2(1), (3).

Date in force: 6 April 2010: see SI 2010/131, reg 1; for transitional provisions see reg 3 thereof.

Entry "Comptroller and Auditor General" substituted, for entry "Comptroller and Auditor General of the National Audit Office" as originally enacted, by SI 2012/725, art 2(8).

Date in force: 1 April 2012: see SI 2012/725, art 1(2).

Entry "Convener of the Water Customer Consultation Panels and any member of those Panels." (omitted) revoked by SI 2011/2581, art 2, Sch 3, Pt 2, para 4.

Date in force: 28 October 2011: see SI 2011/2581, art 1(2)(c).

Entry "General Social Care Council." (omitted) revoked by SI 2012/1479, art 11, Schedule, Pt 2, para 73.

Date in force: 1 August 2012: see SI 2012/1479, art 1(2).

Entry "Monitor." substituted, for entry "The Independent Regulator of NHS Foundation Trusts." as originally enacted, by SI 2012/1641, art 10, Sch 4, para 9.

Date in force: 1 October 2012: see SI 2012/1641, art 1(2)(a).

Entries "Healthcare Improvement Scotland." and "Social Care and Social Work Improvement Scotland." substituted, for entry "Scottish Commission for the Regulation of Care." as originally enacted, by SI 2011/2581, art 2, Sch 2, Pt 2, para 41.

Date in force: 28 October 2011: see SI 2011/2581, art 1(2)(b).