Employment Tribunals Act 1996

1996 CHAPTER 17

PART II

THE EMPLOYMENT APPEAL TRIBUNAL

Membership etc.

22   Membership of Appeal Tribunal.

(1) The Appeal Tribunal shall consist of—

    (a)   such number of judges as may be nominated from time to time [**F1**by the Lord Chief Justice, after consulting the Lord Chancellor,] from the judges **F2**. . . of the High Court and the Court of Appeal [**F3** and the judges within subsection (2A)] ,

    (b)   at least one judge of the Court of Session nominated from time to time by the Lord President of the Court of Session, and

    (c)   such number of other members as may be appointed from time to time by Her Majesty on the joint recommendation of the Lord Chancellor and the Secretary of State ("appointed members").

(2) The appointed members shall be persons who appear to the Lord Chancellor and the Secretary of State to have special knowledge or experience of industrial relations either—

    (a)   as representatives of employers, or

    (b)   as representatives of workers (within the meaning of the **M1**Trade Union and Labour Relations (Consolidation) Act 1992).

[**F4**(2A) A person is a judge within this subsection if the person—

    (a)   is the Senior President of Tribunals,

    (b)   is a deputy judge of the High Court,

    (c)   is the Judge Advocate General,

    (d)   is a Circuit judge,

    (e)   is a Chamber President, or a Deputy Chamber President, of a chamber of the Upper Tribunal or of a chamber of the First-tier Tribunal,

    (f)   is a judge of the Upper Tribunal by virtue of appointment under paragraph 1(1) of Schedule 3 to the Tribunals, Courts and Enforcement Act 2007,

    (g)   is a transferred-in judge of the Upper Tribunal (see section 31(2) of that Act),

    (h)   is a deputy judge of the Upper Tribunal (whether under paragraph 7 of Schedule 3 to, or section 31(2) of, that Act),

    (i)   is a district judge, which here does not include a deputy district judge, **F5**...

    (j)   is a District Judge (Magistrates' Courts), which here does not include a Deputy District Judge (Magistrates' Courts).**]**

    [F6(k)   is the President of Employment Tribunals (England and Wales), or

    (l)   is the President of Employment Tribunals (Scotland).**]**

(3) The **[F7**Lord Chief Justice shall**]** appoint one of the judges nominated under subsection (1) to be the President of the Appeal Tribunal.

[F8(3A) The Lord Chief Justice must not make an appointment under subsection (3) unless—

    (a)   he has consulted the Lord Chancellor, and

    (b)   the Lord President of the Court of Session agrees.**]**

(4) No judge shall be nominated a member of the Appeal Tribunal **[F9** under subsection (1)(b) **]** except with his consent.

[F10(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.

(6) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under subsection (3A)(b).**]**

Textual Amendments

F1   Words in s. 22(1)(a) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 para. 246(2)(a)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1

F2   Words in s. 22(1)(a) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 146, 148, Sch. 4 para. 246(2)(b), **Sch. 18 Pt. 2**; S.I. 2006/1014, **art. 2(a)**, Sch. 1

F3   Words in s. 22(1)(a) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 14 para. 11(2)**; S.I. 2013/2200, art. 3(g)

F4   S. 22(2A) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 14 para. 11(3)**; S.I. 2013/2200, art. 3(g)

F5   Word in s. 22(2A)(i) omitted (20.2.2019) by virtue of Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 (c. 33), **ss. 1(5)(a)**, 4(2)

F6   S. 22(2A)(k)(l) inserted (20.2.2019) by Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 (c. 33), **ss. 1(5)(b)**, 4(2)

F7   Words in s. 22(3) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 para. 246(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1

F8   S. 22(3A) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 para. 246(4)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1

F9   Words in s. 22(4) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 14 para. 11(4)**; S.I. 2013/2200, art. 3(g)

F10   S. 22(5)(6) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 para. 246(5)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1

Marginal Citations

M1   1992 c. 52.

Changes to legislation:
Employment Tribunals Act 1996, Section 22 is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

> **Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**
> Whole provisions yet to be inserted into this Act (including any effects on those provisions):
>
> – s. 7A(2F) inserted by 2022 c. 35 Sch. 4 para. 1(2)
> – s. 29A(11) inserted by 2022 c. 35 Sch. 4 para. 1(3)
> – s. 30A inserted by 2022 c. 35 Sch. 5 para. 19
> – Sch. A1 para. 21A inserted by 2022 c. 35 Sch. 4 para. 1(4)