

EXPLANATORY NOTE

(This note is not part of the Order)

This Order introduces fees for claims made to an employment tribunal and appeals to the Employment Appeal Tribunal.

Part 2 makes provision for fees to be payable when a claim is presented to an employment tribunal and following notification of listing for the final hearing. The amount of the fee depends upon the type of the claim and the number of claimants. Different fees apply to single claimants and to groups of claimants, called “fee groups”. “Type A claims” are listed in Table 2 of Schedule 2 to the Order. All other claims are called “Type B claims”, for the purposes of calculating the amount of the fee payable. The amount of the fees payable by single claimants are listed in Table 3 of Schedule 2 and the amount payable by fee groups of different sizes are listed in Table 4 of Schedule 2.

Fees are also payable in an employment tribunal by the party making an application of the type mentioned in Schedule 1 to this Order and a fee of £600 is payable by a respondent when the parties agree to judicial mediation.

In addition, article 12 allows a claimant in an employment tribunal to opt out of a fee group and continue as a single claimant if the fee group they were previously included in has failed to pay the appropriate fee and might be struck out for non-payment of that fee.

Part 3 deals with fees in the Employment Appeal Tribunal. A fee of £400 is payable by an appellant following receipt of a notice of appeal by the Employment Appeal Tribunal. A fee of £1200 is payable by an appellant following notification of a direction by the Employment Appeal Tribunal for an oral hearing to dispose finally of proceedings.

Part 4 makes transitional arrangements and provides for fee remission in some circumstances.