



Employment Protection (Consolidation) Act 1978

1978 CHAPTER 44

PART VIII

RESOLUTION OF DISPUTES RELATING TO EMPLOYMENT

Employment Appeal Tribunal

135 Employment Appeal Tribunal

- (1) The Employment Appeal Tribunal established under section 87 of the Employment Protection Act 1975 shall continue in existence by that name for the purpose of hearing appeals under section 136.
- (2) The Employment Appeal Tribunal (in this Act referred to as " the Appeal Tribunal") shall consist of—
 - (a) such number of judges as may be nominated from time to time by the Lord Chancellor from among the judges (other than the Lord Chancellor) of the High Court and the Court of Appeal;
 - (b) at least one judge of the Court of Session nominated from time to time by the Lord President of that Court; 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.
- (3) The members of the Appeal Tribunal appointed under subsection (2)(c) shall be persons who appear to the Lord Chancellor and the Secretary of State to have special knowledge or experience of industrial relations, either as representatives of employers or as representatives of workers (within the meaning of the Trade Union and Labour Relations Act 1974).

Status: This is the original version (as it was originally enacted).

- (4) The Lord Chancellor shall, after consultation with the Lord President of the Court of Session, appoint one of the judges nominated under subsection (2) to be President of the Appeal Tribunal.
- (5) No judge shall be nominated a member of the Appeal Tribunal except with his consent.
- (6) The provisions of Schedule 11 shall have effect with respect to the Appeal Tribunal and proceedings before the Tribunal.

136 Appeals to Tribunal from industrial tribunals and Certification Officer

- (1) An appeal shall lie to the Appeal Tribunal on a question of law arising from any decision of, or arising in any proceedings before, an industrial tribunal under, or by virtue of, the following Acts—
 - (a) the Equal Pay Act 1970 ;
 - (b) the Sex Discrimination Act 1975 ;
 - (c) the Employment Protection Act 1975 ;
 - (d) the Race Relations Act 1976 ;
 - (e) this Act.
- (2) The Appeal Tribunal shall hear appeals on questions of law arising in any proceedings before, or arising from any decision of, the Certification Officer under the following enactments—
 - (a) sections 3, 4 and 5 of the Trade Union Act 1913;
 - (b) section 4 of the Trade Union (Amalgamations, etc.) Act 1964.
- (3) The Appeal Tribunal shall hear appeals on questions of fact or law arising in any proceedings before, or arising from any decision of, the Certification Officer under the following enactments—
 - (a) section 8 of the Trade Union and Labour Relations Act 1974;
 - (b) section 8 of the Employment Protection Act 1975.
- (4) Without prejudice to section 13 of the Administration of Justice Act 1960 (appeal in case of contempt of court), an appeal shall lie on any question of law from any decision or order of the Appeal Tribunal with the leave of the Tribunal or of the Court of Appeal or, as the case may be, the Court of Session.—
 - (a) in the case of proceedings in England and Wales, to the Court of Appeal;
 - (b) in the case of proceedings in Scotland, to the Court of Session.
- (5) No appeal shall lie except to the Appeal Tribunal from any decision of an industrial tribunal under the Acts listed in subsection (1) or from any decision under the enactments listed in subsections (2) and (3) of the Certification Officer appointed under section 7 of the Employment Protection Act 1975.