



Employment Tribunals Act 1996

1996 CHAPTER 17

PART II

THE EMPLOYMENT APPEAL TRIBUNAL

Membership etc.

28 Composition of Appeal Tribunal.

- (1) The Appeal Tribunal may sit, in accordance with directions given by the President of the Appeal Tribunal, either as a single tribunal or in two or more divisions concurrently.
 - (2) Subject to subsections (3) to (5), proceedings before the Appeal Tribunal shall be heard by a judge and either two or four appointed members, so that in either case there is an equal number—
 - (a) of persons whose knowledge or experience of industrial relations is as representatives of employers, and
 - (b) of persons whose knowledge or experience of industrial relations is as representatives of workers.
 - (3) With the consent of the parties, proceedings before the Appeal Tribunal may be heard by a judge and one appointed member or by a judge and three appointed members.
 - (4) Proceedings on an appeal on a [^{F1}chairman-alone question] shall be heard by a judge alone unless a judge directs that the proceedings shall be heard in accordance with subsections (2) and (3).
- [^{F2}(4A) In subsection (4) “chairman-alone question” means—
- (a) a question arising from any decision of an employment tribunal that is a decision of—
 - (i) the person mentioned in section 4(1)(a) acting alone, or
 - (ii) any Employment Judge acting alone, or

Status: Point in time view as at 03/11/2008. This version of this provision has been superseded.

Changes to legislation: Employment Tribunals Act 1996, Section 28 is up to date with all changes known to be in force on or before 30 July 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. (See end of Document for details)

- (b) a question arising in any proceedings before an employment tribunal that are proceedings before—
 - (i) the person mentioned in section 4(1)(a) alone, or
 - (ii) any Employment Judge alone.]

^{F3}(5)

Textual Amendments

- F1** Words in s. 28(4) substituted (3.11.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, **Sch. 8 para. 46(2)**; [S.I. 2008/2696](#), art. 5(c)(i) (with art. 3)
- F2** S. 28(4A) inserted (3.11.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, **Sch. 8 para. 46(3)**; [S.I. 2008/2696](#), art. 5(c)(i) (with art. 3)
- F3** S. 28(5) repealed (16.7.2001) by [1999 c. 26](#), ss. 41, 44, Sch. 8 para. 4, **Sch. 9(12)**; [S.I. 2001/1187](#), art. 3(b), **Sch.** (as amended by [S.I. 2001/1461](#), **art. 2(2)**)

Status:

Point in time view as at 03/11/2008. This version of this provision has been superseded.

Changes to legislation:

Employment Tribunals Act 1996, Section 28 is up to date with all changes known to be in force on or before 30 July 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.