



Industrial Tribunals Act 1996

1996 CHAPTER 17

PART I

INDUSTRIAL TRIBUNALS

Membership etc.

4 Composition of a tribunal

- (1) Subject to the following provisions of this section, proceedings before an industrial tribunal shall be heard by—
 - (a) the person who, in accordance with regulations made under section 1(1), is the chairman, and
 - (b) two other members, or (with the consent of the parties) one other member, selected as the other members (or member) in accordance with regulations so made.
- (2) Subject to subsection (5), the proceedings specified in subsection (3) shall be heard by the person mentioned in subsection (1)(a) alone.
- (3) The proceedings referred to in subsection (2) are—
 - (a) proceedings on an application under section 161, 165 or 166 of the Trade Union and Labour Relations (Consolidation) Act 1992,
 - (b) proceedings on a complaint under section 126 of the Pension Schemes Act 1993,
 - (c) proceedings on a complaint under section 23 or 188 of the Employment Rights Act 1996 or on an application under section 128, 131 or 132 of that Act,
 - (d) proceedings in respect of which an industrial tribunal has jurisdiction by virtue of section 3 of this Act,
 - (e) proceedings in which the parties have given their written consent to the proceedings being heard in accordance with subsection (2) (whether or not they have subsequently withdrawn it),

Status: This is the original version (as it was originally enacted).

- (f) proceedings in which the person bringing the proceedings has given written notice withdrawing the case, and
 - (g) proceedings in which the person (or, where more than one, each of the persons) against whom the proceedings are brought does not, or has ceased to, contest the case.
- (4) The Secretary of State may by order amend the provisions of subsection (3).
- (5) Proceedings specified in subsection (3) shall be heard in accordance with subsection (1) if a person who, in accordance with regulations made under section 1(1), may be the chairman of an industrial tribunal, having regard to—
- (a) whether there is a likelihood of a dispute arising on the facts which makes it desirable for the proceedings to be heard in accordance with subsection (1),
 - (b) whether there is a likelihood of an issue of law arising which would make it desirable for the proceedings to be heard in accordance with subsection (2),
 - (c) any views of any of the parties as to whether or not the proceedings ought to be heard in accordance with either of those subsections, and
 - (d) whether there are other proceedings which might be heard concurrently but which are not proceedings specified in subsection (3),
- decides at any stage of the proceedings that the proceedings are to be heard in accordance with subsection (1).
- (6) Where (in accordance with the following provisions of this Part) the Secretary of State makes industrial tribunal procedure regulations, the regulations may provide that, in such circumstances as the regulations may specify, any act required or authorised by the regulations to be done by an industrial tribunal may be done by the person mentioned in subsection (1)(a) alone.
- (7) Where a Minister of the Crown so directs in relation to any proceedings on grounds of national security—
- (a) the proceedings shall be heard and determined, and
 - (b) any act required or authorised by industrial tribunal procedure regulations to be done by an industrial tribunal in relation to the proceedings shall be done, by the President of the Industrial Tribunals (England and Wales) appointed in accordance with regulations made under section 1(1), or by the President of the Industrial Tribunals (Scotland) so appointed, alone.