



Employment Tribunals Act 1996

1996 CHAPTER 17

PART I

[^{F1}EMPLOYMENT TRIBUNALS]

Procedure

9 Pre-hearing reviews and preliminary matters.

- (1) [^{F1}Employment tribunal] procedure regulations may include provision—
- (a) for authorising the carrying-out by an [^{F1}employment tribunal]of a preliminary consideration of any proceedings before it (a “pre-hearing review”), and
 - (b) for enabling such powers to be exercised in connection with a pre-hearing review as may be prescribed by the regulations.
- (2) Such regulations may in particular include provision—
- (a) for authorising any tribunal carrying out a pre-hearing review under the regulations to make, in circumstances specified in the regulations, an order requiring a party to the proceedings in question, if he wishes to continue to participate in those proceedings, to pay a deposit of an amount not exceeding [^{F2}£1,000] , and
 - (b) for prescribing—
 - (i) the manner in which the amount of any such deposit is to be determined in any particular case,
 - (ii) the consequences of non-payment of any such deposit, and
 - (iii) the circumstances in which any such deposit, or any part of it, may be refunded to the party who paid it or be paid over to another party to the proceedings.

[^{F3}(2A) Regulations under subsection (1)(b), so far as relating to striking out, may not provide for striking out on a ground which does not apply outside a pre-hearing review.]

Status: Point in time view as at 15/02/2012. This version of this provision has been superseded.

Changes to legislation: Employment Tribunals Act 1996, Section 9 is up to date with all changes known to be in force on or before 28 August 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)

- (3) The Secretary of State may from time to time by order substitute for the sum specified in subsection (2)(a) such other sum as is specified in the order.
- (4) [^{F1}Employment tribunal] procedure regulations may also include provision for authorising an [^{F1}employment tribunal] to hear and determine [^{F4}separately any preliminary issue of a description prescribed by the regulations which is raised by any case].

Textual Amendments

- F1** Words in s. 9(1)(2)(4) substituted (1.8.1998) by 1998 c. 8, s. 1(2)(a) (with s. 16(2)); S.I. 1998/1658, art. 2(1), **Sch. 1**
- F2** Word in s. 9(2)(a) substituted (15.2.2012) by The Employment Tribunals (Increase of Maximum Deposit) Order 2012 (S.I. 2012/149), arts. 1(1), **2**
- F3** S. 9(2A) inserted (9.7.2004) by 2002 c. 22, ss. 28(3), 55(2); S.I. 2004/1717, **art. 2(1)**
- F4** Words in s. 9(4) substituted (1.8.1998) by 1998 c. 8, s. 15, **Sch. 1 para. 15**; S.I. 1998/1658, art. 2(1), **Sch. 1**
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Modifications etc. (not altering text)

- C1** S. 9 extended (24.4.2000) by 1992 c. 52, s. 239(4)(c) (as inserted (24.4.2000) by 1999 c. 26, s. 16, **Sch. 5 para. 4**; S.I. 2000/875, **art. 2** (subject to transitional provision in art. 3))

Status:

Point in time view as at 15/02/2012. This version of this provision has been superseded.

Changes to legislation:

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