



Employment Act 2002

2002 CHAPTER 22

PART 2

TRIBUNAL REFORM

VALID FROM 09/07/2004

Miscellaneous

24 Conciliation

(1) In section 7 of the Employment Tribunals Act 1996 (employment tribunal procedure regulations), in subsection (3)(f) (power to prescribe the procedure to be followed in proceedings before an employment tribunal), before sub-paragraph (ii) there is inserted—

“(ia) for postponing fixing a time and place for a hearing, or postponing a time fixed for a hearing, for such period as may be determined in accordance with the regulations for the purpose of giving an opportunity for the proceedings to be settled by way of conciliation and withdrawn, and”.

(2) In section 18 of that Act (conciliation), after subsection (2) there is inserted—

“(2A) Where employment tribunal procedure regulations include provision postponing the fixing of a time and place for a hearing for the purpose of giving an opportunity for the proceedings to be settled by way of conciliation and withdrawn, subsection (2) shall have effect from the end of the postponement to confer a power on the conciliation officer, instead of imposing a duty.”

(3) In section 19 of that Act (conciliation procedure), paragraph (c) (which requires employment tribunal procedure regulations, in relation to conciliation cases, to

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include provision postponing the hearing to give an opportunity for conciliation) shall cease to have effect.

(4) In that section, the existing provision (as amended by subsection (3)) becomes subsection (1) and at the end there is inserted—

“(2) If employment tribunal procedure regulations include provision postponing the fixing of a time and place for a hearing for the purpose of giving an opportunity for the proceedings to be settled by way of conciliation and withdrawn, they shall also include provision for the parties to proceedings to which the provision for postponement applies to be notified that the services of a conciliation officer may no longer be available to them after the end of the postponement.”

25 Power to delegate prescription of forms etc.

In section 7 of the Employment Tribunals Act 1996 (c. 17) (employment tribunal procedure regulations), after subsection (3) there is inserted—

“(3ZA) Employment tribunal procedure regulations may—

- (a) authorise the Secretary of State to prescribe, or prescribe requirements in relation to, any form which is required by such regulations to be used for the purpose of instituting, or entering an appearance to, proceedings before employment tribunals,
- (b) authorise the Secretary of State to prescribe requirements in relation to documents to be supplied with any such form, and
- (c) make provision about the publication of anything prescribed under authority conferred by virtue of this subsection.”

26 Determination without a hearing

In section 7 of the Employment Tribunals Act 1996 (employment tribunal procedure regulations) for subsection (3A) there is substituted—

“(3A) Employment tribunal procedure regulations may authorise the determination of proceedings without any hearing in such circumstances as the regulations may prescribe.”

27 Practice directions

After section 7 of the Employment Tribunals Act 1996 (c. 17) there is inserted—

“7A Practice directions

- (1) Employment tribunal procedure regulations may include provision—
 - (a) enabling the President to make directions about the procedure of employment tribunals, including directions about the exercise by tribunals of powers under such regulations,
 - (b) for securing compliance with such directions, and
 - (c) about the publication of such directions.

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(2) Employment tribunal procedure regulations may, instead of providing for any matter, refer to provision made or to be made about that matter by directions made by the President.

(3) In this section, references to the President are to a person appointed in accordance with regulations under section 1(1) as—

- (a) President of the Employment Tribunals (England and Wales), or
- (b) President of the Employment Tribunals (Scotland).”

28 Pre-hearing reviews

(1) Section 9 of the Employment Tribunals Act 1996 (pre-hearing reviews) is amended as follows.

(2) In subsection (1) (power to make provision for pre-hearing reviews), for paragraph (a) there is substituted—

- “(a) for authorising an employment tribunal to carry out a review of any proceedings before it at any time before a hearing held for the purpose of determining them (a “pre-hearing review”).”

(3) After subsection (2) there is inserted—

- “(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.”

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