



Enterprise and Regulatory Reform Act 2013

2013 CHAPTER 24

PART 2

EMPLOYMENT

Procedure for deciding tribunal cases

12 Composition of Employment Appeal Tribunal

- (1) The Employment Tribunals Act 1996 is amended as set out in subsections (2) to (4).
- (2) In section 28 (composition of Appeal Tribunal), for subsections (2) to (4A) substitute—
 - “(2) Proceedings before the Appeal Tribunal are to be heard by a judge alone.
This is subject to subsections (3) to (6) and to any provision made by virtue of section 30(2)(f) or (2A).
 - (3) A judge may direct that proceedings are to be heard by a judge and either two or four appointed members.
 - (4) A judge may, with the consent of the parties, direct that proceedings are to be heard by a judge and either one or three appointed members.
 - (5) The Lord Chancellor may by order provide for proceedings of a description specified in the order to be heard by a judge and either two or four appointed members.
 - (6) In proceedings heard by a judge and two or four appointed members, there shall be an equal number of—
 - (a) employer-representative members, and
 - (b) worker-representative members.

Status: This is the original version (as it was originally enacted).

(7) In this section—

“employer-representative members” means appointed members whose knowledge or experience of industrial relations is as representatives of employers;

“worker-representative members” means appointed members whose knowledge or experience of industrial relations is as representatives of workers.”

- (3) In section 30 (Appeal Tribunal procedure rules), in subsection (2)(f) (provision for dealing with interlocutory matters), for the words from “otherwise” to the end substitute “by an officer of the Appeal Tribunal”.
- (4) In section 41(2) (orders etc subject to affirmative resolution procedure), before “or 40” insert “, 28(5)”.
- (5) In consequence of the amendment made by subsection (2), omit paragraph 46 of Schedule 8 to the Tribunals, Courts and Enforcement Act 2007.