
EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules consolidate, with amendments, the Employment Appeal Tribunal Rules 1980 (S.I.1980/2035) as amended by the Employment Appeal Tribunal (Amendment) Rules 1985 (S.I.1985/29) and the Employment Appeal Tribunal (Amendment) Rules 1988 (S.I.1988/2072) (“the old rules”). The amendments made to the old rules are primarily consequent on the Trade Union Reform and Employment Rights Act 1993 (c. 19).

In addition to minor and drafting amendments, these Rules, which come into force on 16th December 1993, make the following changes of substance to the old rules—

- (a) they provide a procedure for the Attorney General or the Lord Advocate to apply to the Appeal Tribunal for a restriction of proceedings order under section 136A of the Employment Protection (Consolidation) Act 1978 (c. 44) (rules 13-17). Two additional Forms are included in the Schedule to the Rules in connection with this;
- (b) they provide for the Appeal Tribunal to be able to make a restricted reporting order in certain appeals involving allegations of sexual misconduct (rule 23);
- (c) they provide, in certain appeals appearing to involve allegations of the commission of a sexual offence, for the Registrar to take steps so as to prevent the identification to members of the public of any person affected by or making such an allegation (rule 23);
- (d) they provide that the Appeal Tribunal shall sit in private where the industrial tribunal has been required to sit in private by virtue of a direction on grounds of national security from a Minister of the Crown (rule 30);
- (e) they provide that an interlocutory application for a restricted reporting order shall be disposed of by the President of the Appeal Tribunal, a judge or the Appeal Tribunal and that the hearing of any interlocutory application shall be by the President alone where a Minister has so directed on grounds of national security (rules 20-22);

Form 3 in the Schedule to the old rules is not repeated because it related to appeals from an industrial tribunal on questions of fact in cases of unreasonable exclusion or expulsion from a trade union which can no longer be brought.

The Rules also contain transitional provisions (rule 40).