
STATUTORY INSTRUMENTS

2001 No. 1171

**The Employment Tribunals (Constitution
and Rules of Procedure) Regulations 2001**

Proceedings of tribunals

11.—(1) Subject to paragraphs (2) to (6), the rules in Schedule 1 shall apply in relation to all proceedings before a tribunal except where separate rules of procedure made under the provisions of any enactment are applicable.

(2) In proceedings to which the rules in Schedule 1 apply and in which any power conferred on the Minister or the tribunal by rule 8(1), (2) or (3) of Schedule 1 is exercised—

- (a) rules 3, 4, 7, 10, 11, 12 and 13 of Schedule 1 shall be modified in accordance with Schedule 2; and
- (b) rules 7A (special advocate) and 7B (reasons for the tribunal's decision in national security cases), as referred to in paragraph 4 of Schedule 2, shall be inserted into Schedule 1.

(3) In proceedings to which the rules in Schedule 1 apply and which involve an equal value claim—

- (a) rules 4, 11, 12, 14, 15 and 23 of Schedule 1 shall be modified in accordance with Part I of Schedule 3; and
- (b) rule 10A (procedure relating to expert's report), as referred to in paragraph 2 of Part I of Schedule 3, shall be inserted into Schedule 1.

(4) In proceedings to which the rules in Schedule 1 apply, and in which the rules in Schedule 1 are required to be modified in accordance with both paragraphs (2) and (3)—

- (a) the insertion of rules 4(9), 7B and 12(5A) to (5D) into Schedule 1 shall be in accordance with Part II of Schedule 3; and
- (b) rule 11(2) of Schedule 1 shall be modified in accordance with Part II of Schedule 3.

(5) The rules contained in Schedules 1, 2 and 3 shall apply in proceedings to which they relate where—

- (a) the respondent or one of the respondents resides or carries on business in England and Wales;
- (b) had the remedy been by way of action in the county court, the cause of action would have arisen wholly or partly in England and Wales; or
- (c) the proceedings are to determine a question which has been referred to the tribunal by a court in England and Wales.

(6) The rules in Schedules 4, 5 and 6 shall apply in relation to proceedings before a tribunal which relate to matters arising in England and Wales and consist, respectively, in—

- (a) an appeal by a person assessed to levy imposed under a levy order made under section 12 of the 1982 Act;
- (b) an appeal against an improvement or prohibition notice under section 24 of the 1974 Act; and

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- (c) an appeal against a non-discrimination notice under section 68 of the 1975 Act, section 59 of the 1976 Act or paragraph 10 of Schedule 3 to the 1999 Act.