

2005 No. 1871

EMPLOYMENT TRIBUNALS

The Employment Appeal Tribunal (Amendment) Rules 2005

<i>Made</i> - - - -	<i>2nd July 2005</i>
<i>Laid before Parliament</i>	<i>11th July 2005</i>
<i>Coming into force</i> - -	<i>1st October 2005</i>

The Lord Chancellor, in exercise of the powers conferred upon him by sections 30(1), (2)(b) and (2A) of the Employment Tribunals Act 1996(a) and after consultation with the Lord President of the Court of Session, hereby makes the following Rules:

Citation and commencement and interpretation

1.—(1) These Rules may be cited as the Employment Appeal Tribunal (Amendment) Rules 2005 and shall come into force on 1st October 2005.

(2) In these Rules, any reference to a rule or to the Schedule is a reference to a rule in, or to the Schedule to, the Employment Appeal Tribunal Rules 1993(b).

Amendment of Rules

2. In Rule 30A(2)(a)—

- (a) insert “in relation to particular proceedings before it” between the first “do” and “anything”; and
- (b) insert “in relation to particular Crown employment proceedings” between the second “do” and “by”.

3. In the Schedule—

- (a) for Form 1 substitute—

(a) 1996 c. 17; by virtue of section 1 of the Employment Rights (Dispute Resolution) Act 1998 (c. 8) industrial tribunals were renamed employment tribunals and references to “industrial tribunal” and “industrial tribunals” in any enactment were substituted with “employment tribunal” and “employment tribunals”. Sections 30(2A) and 30(2C) were inserted by paragraph 5 of Schedule 8 of the Employment Relations Act 1999 (c. 26).
(b) S.I. 1993/2854 amended by S.I. 2001/1128; 2004/2526.

“FORM 1

Rule 3

Notice of Appeal from Decision of Employment Tribunal

1. The appellant is (*name and address of appellant*).
2. Any communication relating to this appeal may be sent to the appellant at (*appellant's address for service, including telephone number if any*).
3. The appellant appeals from (*here give particulars of the judgment, decision or order of the employment tribunal from which the appeal is brought including the location of the employment tribunal and the date*).
4. The parties to the proceedings before the employment tribunal, other than the appellant, were (*names and addresses of other parties to the proceedings resulting in judgment, decision or order appealed from*).
5. Copies of—
 - (a) the written record of the employment tribunal's judgment, decision or order and the written reasons of the employment tribunal;
 - (b) the claim (ET1);
 - (c) the response (ET3); and/or (*where relevant*)
 - (d) an explanation as to why any of these documents are not included;are attached to this notice.
6. If the appellant has made an application to the employment tribunal for a review of its judgment or decision, copies of—
 - (a) the review application;
 - (b) the judgment;
 - (c) the written reasons of the employment tribunal in respect of that review application; and/or
 - (d) a statement by or on behalf of the appellant, if such be the case, that a judgment is awaitedare attached to this Notice. If any of these documents exist but cannot be included, then a written explanation must be given.
7. The grounds upon which this appeal is brought are that the employment tribunal erred in law in that (*here set out in paragraphs the various grounds of appeal*).

Signed:

Date:

NB. The details entered on your Notice of Appeal must be legible and suitable for photocopying or electronic scanning. The use of black ink or typescript is recommended.”;

(b) in Form 3—

- (i) insert “Appeal from decision of employment tribunal/certification officer” beneath “FORM 3”;
- (ii) in paragraph 3, insert “judgment,” before “decision”.

2nd July 2005

Falconer of Thornton, C

EXPLANATORY NOTE

(This note is not part of the Order)

These Rules come into force on 1st October 2005 and they amend the Employment Appeal Tribunal Rules 1993 (SI 1993/2854). These Rules make the following amendments:

Rule 2 implements section 36 of the Employment Relations Act 2004 (c.24) (“the 2004 Act”), which, by amending section 10(6) of the Employment Tribunals Act 1996 (c.17) (“the 1996 Act”), provides that certain powers available to employment tribunals under employment tribunal procedure regulations for use in national security proceedings can be used in particular proceedings, whether or not they are Crown employment proceedings, if the tribunal considers it expedient in the interests of national security. Section 30(2A) of the 1996 Act provides that appeal tribunal rules may make provision of a kind which may be made by employment tribunal procedure regulations under section 10(6) (and other sub-sections) of the Act.

Rule 3(1) replaces Form 1 with an amended version.

Rule 3(2) makes minor amendments to Form 3.

The full Regulatory Impact Assessment (“RIA”) for the 2004 Act indicated that any impact on business arising from section 36 (the national security amendment) would be likely to be negligible. In view of this, and because none of the other amendments made by these Rules is substantive, and will not therefore impact on business, charities, voluntary bodies or the public sector, a full RIA in respect of these Rules has not been prepared.

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