

**2008 No. 2771**

**EMPLOYMENT TRIBUNALS**

**The Employment Tribunals (Constitution and Rules of Procedure) (Amendment) Regulations 2008**

<i>Made</i>	- - - -	<i>17th October 2008</i>
<i>Laid before Parliament</i>		<i>23rd October 2008</i>
<i>Coming into force</i>	- -	<i>1st December 2008</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 1 of the Employment Tribunals Act 1996(a).

**Citation and commencement**

1. These Regulations may be cited as the Employment Tribunals (Constitution and Rules of Procedure) (Amendment) Regulations 2008 and shall come into force on 1st December 2008.

**Amendment to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004**

2. The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004(b) are amended as follows.

3. For regulation 4(3)(a) substitute—

“(a) who satisfies the judicial-appointment eligibility condition within the meaning of section 50 of the Tribunals, Courts and Enforcement Act 2007(c) on a 5-year basis;”.

4. In regulation 4(3)(b) and (c) for “seven” substitute “five”.

5. For regulation 8(3)(a)(i) substitute—

“(i) who satisfy the judicial-appointment eligibility condition within the meaning of section 50 of the Tribunals, Courts and Enforcement Act 2007 on a 5-year basis;”.

6. In regulation 8(3)(a)(ii) and (iii) for “seven” substitute “five”.

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(a) 1996 c.17; section 1 was amended by the Employment Rights (Dispute Resolution) Act 1998 (c.8), sections 1(2)(b) and 15 and Schedule 2.  
(b) S.I. 2004/1861, amended by the Constitutional Reform Act 2005 (c.4), Schedule 4, Part 1, paragraph 360 and Schedule 11, Part 3, paragraph 5, and by S.I. 2006/680; there are other amending instruments, but none is relevant.  
(c) 2007 c.15.

Signed by authority of the Secretary of State for Business, Enterprise and Regulatory Reform

17th October 2008

*Pat McFadden*  
Minister of State for Employment Relations and Postal Affairs  
Department for Business, Enterprise and Regulatory Reform

### **EXPLANATORY NOTE**

*(This note is not part of these Regulations)*

These Regulations amend the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004 (S.I. 2004/1861) (“the 2004 Regulations”). The 2004 Regulations in particular provide for the appointment of a President of Employment Tribunals in England and Wales and a President of Employment Tribunals in Scotland and for a panel of full and part-time chairmen of Employment Tribunals in England and Wales and in Scotland.

These Regulations concern eligibility to hold office as either a President of the Employment Tribunals in England and Wales and in Scotland or as a chairman of an Employment Tribunal in England and Wales and in Scotland and amend the 2004 Regulations by:

- (a) substituting reference to satisfying a “judicial appointment eligibility condition” in place of reference to having a qualification mentioned in section 71 of the Courts and Legal Services Act 1990 (c.41); and
- (b) reducing the qualifying period for eligibility for appointment from 7 to 5 years.

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