

EXPLANATORY MEMORANDUM TO
THE EMPLOYMENT TRIBUNALS (CONSTITUTION AND RULES OF PROCEDURE)
(CONSEQUENTIAL AMENDMENTS) REGULATIONS 2013

2013 No. 1948

1. This explanatory memorandum has been prepared by the Department for Business, Innovation and Skills and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This order amends various pieces of secondary legislation to reflect the coming into force of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 which revoked and replaced the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004 on 29th July 2013.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 As part of its consultation “Resolving Workplace Disputes”, launched in January 2011, Government set out its intention to modernise the Employment Tribunals, to ensure that the system works as effectively as possible. Responses to this consultation outlined how stakeholders felt that the Employment Tribunal (Constitution and Rules of Procedure) Regulations 2004 had, over time, suffered from piecemeal change and were overly prescriptive, thereby restricting the tribunal’s ability to manage cases in the most effective and efficient manner. Government therefore asked Mr Justice Underhill (now Lord Justice Underhill), to lead a review of the legislation.

5. Territorial Extent and Application

5.1 This instrument amends some legislation which applies to Great Britain and some legislation which applies to the United Kingdom.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013, which sets out the rules of procedure, is far shorter than its predecessor and much of the detail on the administration of the system, and prescriptive detail has been removed..

8. Consultation outcome

8.1 A draft version of the procedural rules was consulted on through the Employment Tribunal Rules: review by Mr Justice Underhill consultation, which closed on 23rd November 2012. Government responded to this consultation on 14th March 2013, setting out how it would incorporate stakeholder feedback in the final draft of the regulations.

9. Guidance

9.1 Extensive guidance on Employment Tribunals is produced by Her Majesty's Courts and Tribunal Service. This will be updated as a result of the changes made by the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013.

10. Impact

10.1 The impact on business, charities or voluntary bodies is nil in cost

10.2 The impact on the public sector is nil in cost.

10.3 An Impact Assessment has not been prepared for this instrument. One was published for the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013, and is available on the OPSI website.

11. Regulating small business

11.1 The legislation applies to small business.

11.2 This consequential measure has no cost impact on business

12. Monitoring & review

12.1 The effectiveness of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 will be monitored as part of the data that Her Majesty's Courts and Tribunal Service collect on the administration of the Employment Tribunal.

13. Contact

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