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STATUTORY INSTRUMENTS

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**2014 No. 254**

**The Employment Tribunals (Early Conciliation:  
Exemptions and Rules of Procedure) Regulations 2014**

**Citation and commencement**

1.—(1) These Regulations may be cited as the Employment Tribunals (Early Conciliation: Exemptions and Rules of Procedure) Regulations 2014 and the Rules of Procedure contained in the Schedule may be referred to as the Early Conciliation Rules of Procedure.

(2) Regulation 4 comes into force on 6th March 2014 and the remainder of the regulations come into force on 6th April 2014.

**Interpretation**

2. In these Regulations and in the Schedule—

“ACAS” means the Advisory, Conciliation and Arbitration Service referred to in section 247 of the Trade Union and Labour Relations (Consolidation) Act 1992<sup>(1)</sup>;

“claim form” means the form prescribed by the Secretary of State in accordance with regulation 12(1)(a) of the Employment Tribunals Regulations;

“conciliation officer” means an officer designated by ACAS under section 211 of the Trade Union and Labour Relations (Consolidation) Act 1992;

“early conciliation certificate” means the certificate prescribed by the Secretary of State in accordance with regulation 4(b);

“early conciliation form” means a form prescribed by the Secretary of State in accordance with regulation 4(a);

“Employment Tribunal” means an employment tribunal established in accordance with regulation 4 of the Employment Tribunals Regulations;

“Employment Tribunals Act” means the Employment Tribunals Act 1996;

“Employment Tribunals Regulations” means the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013<sup>(2)</sup>;

“prospective claimant” means a person who is considering presenting a claim form to an Employment Tribunal in relation to relevant proceedings;

“prospective respondent” means the person who would be the respondent on the claim form which the prospective claimant is considering presenting to an Employment Tribunal;

“relevant proceedings” are those proceedings listed in section 18(1) of the Employment Tribunals Act<sup>(3)</sup>;

“respondent” means the person against whom proceedings are brought in the Employment Tribunal; and

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(1) 1992 c. 52.

(2) S.I. 2013/1237.

(3) Section 18(1) was amended by the Enterprise and Regulatory Reform Act 2013, Schedule 1, paragraphs 2 and 5(1) and (3).

“requirement for early conciliation” means the requirement set out in section 18A(1) of the Employment Tribunals Act.

### **Exemptions from early conciliation**

3.—(1) A person (“A”) may institute relevant proceedings without complying with the requirement for early conciliation where—

- (a) another person (“B”) has complied with that requirement in relation to the same dispute and A wishes to institute proceedings on the same claim form as B;
- (b) A institutes those relevant proceedings on the same claim form as proceedings which are not relevant proceedings;
- (c) A is able to show that the respondent has contacted ACAS in relation to a dispute, ACAS has not received information from A under section 18A(1) of the Employment Tribunals Act in relation to that dispute, and the proceedings on the claim form relate to that dispute;
- (d) the proceedings are proceedings under Part X of the Employment Rights Act 1996<sup>(4)</sup> and the application to institute those proceedings is accompanied by an application under section 128 of that Act<sup>(5)</sup> or section 161 of the Trade Union and Labour Relations (Consolidation) Act 1992<sup>(6)</sup>; or
- (e) A is instituting proceedings against the Security Service, the Secret Intelligence Service or the Government Communications Headquarters.

(2) Where A benefits from the exemption in paragraph (1)(a), the requirement for early conciliation shall be treated as complied with for the purposes of any provision extending the time limit for instituting relevant proceedings in relation to that matter.

### **Power to prescribe**

4.—(1) The Secretary of State may prescribe—

- (a) one or more forms to be used by all prospective claimants for the purpose of complying with the early conciliation requirement; and
- (b) a certificate to be issued by ACAS if rule 7 of the Schedule applies.

(2) The Secretary of State must publish any forms prescribed under paragraph (1)(a) in a manner which the Secretary of State considers appropriate to bring them to the attention of prospective claimants and their advisers.

### **Application of the Schedule**

5. The Schedule to these Regulations has effect and the rules of procedure contained in the Schedule may be referred to as the Early Conciliation Rules of Procedure.

11th February 2014

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<sup>(4)</sup> 1996 c. 18.

<sup>(5)</sup> Section 128(1) was amended by S.I. 2010/493.

<sup>(6)</sup> Section 161 was amended by the Employment Relations Act 2004 (c. 24), Schedule 1, paragraph 12.