

2015 No. 414

TRIBUNALS AND INQUIRIES

**The Employment Tribunals and the Employment Appeal
Tribunal Fees (Amendment) Order 2015**

Made - - - - 26th February 2015

Laid before Parliament 3rd March 2015

Coming into force - - 25th March 2015

The Lord Chancellor makes the following Order with the consent of the Treasury in exercise of the powers conferred by sections 42(1)(d) and (2) and 49(3) of the Tribunals, Courts and Enforcement Act 2007(a).

In accordance with section 42(5) of the Tribunals, Courts and Enforcement Act 2007(b) the Lord Chancellor has consulted the Senior President of Tribunals.

Citation and commencement

1. This Order may be cited as the Employment Tribunals and the Employment Appeal Tribunal Fees (Amendment) Order 2015 and comes into force on 25th March 2015.

Amendments to the Employment Tribunals and the Employment Appeal Tribunal Fees Order 2013

2. The Employment Tribunals and the Employment Appeal Tribunal Fees Order 2013(c) is amended as follows.

3. In article 2 (interpretation)—

(a) at the end of the definition of “notice of appeal”, omit “and”;

(b) after the definition of “notice of appeal”, insert—

““rule 21 judgment” means a judgment issued under rule 21 of Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013(d); and”.

4. After paragraph (2) of article 11, insert—

“(3) Where an application referred to in paragraph (1) is an employer’s contract claim made as part of the response to the employee’s contract claim (which is in itself a type A

(a) 2007 c.15

(b) Section 42(5) of the Tribunals, Courts and Enforcement Act 2007 was amended by S.I. 2013/2042.

(c) S.I. 2013/1893. Schedule 3 was substituted by S.I. 2013/2302 and amended by S.I. 2014/590.

(d) S.I. 2013/1237.

claim), the amount of the fee payable in respect of the application is the amount specified in column 2 of Schedule 1 in respect of a type A claim.”

5. In the Table in Schedule 1 (fee(s) payable by the applicant), in column 1, for “default”, substitute “rule 21”.

6. In paragraph 1 of Schedule 3 (remissions and part remissions), in sub-paragraph (c) of the definition of “excluded benefits”—

- (a) after “2002,” omit “or”;
- (b) after “section 12(B)(1) of the Social Work (Scotland) Act 1968” insert “or the Social Care (Self-directed Support) (Scotland) Act 2013(a)”.

Signed by the authority of the Lord Chancellor

24th February 2015

Shailesh Vara
Parliamentary Under Secretary of State
Ministry of Justice

We consent

Mark Lancaster
Harriett Baldwin
Two Lords Commissioners of Her Majesty’s Treasury

26th February 2015

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Employment Tribunals and the Employment Appeal Tribunal Fees Order 2013 (S.I. 2013/1893), which governs the fees payable in employment tribunals and the Employment Appeal Tribunal.

Article 11 is amended to clarify that the fee payable for an employer’s contract claim, if made by way of application as part of the response to an employee’s contract claim, is always charged by reference to the fee for a type A claim even where the employee’s contract claim is brought together with one or more claims which attract a higher fee (type B claims).

An amendment is made in Schedule 1, in column 1 of the table (fee(s) payable by applicant) to reflect a change in terminology in the rules of procedure in employment tribunals. The term “default judgment”, used in those rules to describe the disposal of undefended claims, has been replaced by “rule 21 judgment”. A definition of that term is also inserted.

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