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STATUTORY INSTRUMENTS

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**2024 No. 94**

**The Employment Tribunals and Employment Appeal Tribunal (Composition of Tribunal) Regulations 2024**

**Amendment of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013**

**8.—**(1) The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013<sup>(1)</sup> are amended as follows.

(2) In regulation 8(4) (panels of members for tribunals), omit the words from “and may select” to the end.

(3) Omit regulation 9 (composition of tribunals).

(4) In regulation 10 (national security proceedings – panel of members and composition of tribunals), omit paragraph (2).

(5) In Schedule 1 (the employment tribunals rules of procedure)—

(a) in rule 1 (interpretation)—

(i) in paragraph (1), after the definition of “President” insert—

““presiding member” means a member selected by the Senior President of Tribunals in accordance with regulation 6(4) of the Employment Tribunals and Employment Appeal Tribunal (Composition of Tribunal) Regulations 2023;”

(ii) omit paragraph (2);

(b) in rule 13 (reconsideration of rejection)—

(i) in paragraph (3)—

(aa) for “an Employment Judge” substitute “the Tribunal”, and

(bb) for “the Judge” substitute “the Tribunal”;

(ii) in paragraph (4), for “Judge” substitute “Tribunal”;

(c) in rule 19 (reconsideration of rejection)—

(i) in paragraph (3)—

(aa) for “an Employment Judge” substitute “the Tribunal”, and

(bb) for “the Judge” substitute “the Tribunal”;

(ii) in paragraph (4)—

(aa) for “a Judge” substitute “the Tribunal”, and

(bb) for “the Judge” substitute “the Tribunal”;

(d) in rule 20(3) (applications for extension of time for presenting response), for “An Employment Judge” substitute “The Tribunal”;

(e) in rule 21(2) (effect of non-presentation or rejection of response, or case not contested)—

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<sup>(1)</sup> [S.I. 2013/1237](#). The relevant amending instrument is [S.I. 2020/1003](#). There are other amendments not relevant to these Regulations.

- (i) for “An Employment Judge” substitute “The Tribunal”;
- (ii) for “a Judge”, in each place it appears, substitute “the Tribunal”;
- (iii) for “the Judge” substitute “the Tribunal”;
- (iv) after the words “shall be fixed” omit “before a Judge alone”;
- (f) in rule 26 (initial consideration)—
  - (i) in paragraph (1)—
    - (aa) for “Employment Judge” substitute “Tribunal”,
    - (bb) for “the Tribunal” substitute “it”,
    - (cc) for “the jurisdiction of the Tribunal” substitute “its jurisdiction”, and
    - (dd) omit “the Judge”;
  - (ii) in paragraph (2), for “the Judge” substitute “the Tribunal”;
- (g) in rule 27 (dismissal of claim (or part))—
  - (i) in paragraph (1)—
    - (aa) for “Employment Judge” substitute “Tribunal”, and
    - (bb) in both instances in which it occurs, for “the Tribunal” substitute “it”;
  - (ii) in sub-paragraph (1)(a), for “the Judge’s” substitute “the Tribunal’s”;
  - (iii) in paragraph (3), for “an Employment Judge” substitute “the Tribunal”;
  - (iv) in paragraph (4), for “the Judge” substitute “the Tribunal”;
- (h) in rule 28 (dismissal of response (or part))—
  - (i) in paragraph (1), for “Employment Judge” substitute “Tribunal”;
  - (ii) in sub-paragraph (1)(a), for “Judge’s” substitute “Tribunal’s”;
  - (iii) in paragraph (3), for “an Employment Judge” substitute “the Tribunal”;
  - (iv) in paragraph (4), for “the Judge” substitute “the Tribunal”;
- (i) in rule 36(1) (lead cases), omit “or the President”;
- (j) omit rule 49 (majority decisions);
- (k) omit rule 55 (constitution of tribunal for preliminary hearings);
- (l) in rule 60 (decisions made without a hearing), for “Employment Judge who has” substitute “member or members of the Tribunal who have”;
- (m) in rule 61(3) (decisions made at or following a hearing), for “Employment Judge” substitute “presiding member”;
- (n) in rule 62 (reasons), in both places where it occurs, for “Employment Judge” substitute “presiding member”;
- (o) in rule 63 (absence of employment judge)—
  - (i) in the title, for “Employment Judge” substitute “Presiding Member”;
  - (ii) for “Employment Judge” substitute “presiding member”;
  - (iii) for “full tribunal” substitute “tribunal composed of more than one member”;
- (p) in rule 69 (correction of clerical mistakes and accidental slips)—
  - (i) for “An Employment Judge” substitute “The Tribunal”;
  - (ii) for “Judge” substitute “presiding member of the Tribunal that made the correction”;
- (q) in rule 72 (process)—

- (i) in paragraph (1)—
  - (aa) for “An Employment Judge” substitute “The Tribunal”,
  - (bb) for “the Judge” substitute “the Tribunal”, and
  - (cc) for “Judge’s” substitute “Tribunal’s”;
- (ii) in paragraph (2), for “Employment Judge” substitute “Tribunal”;
- (iii) omit paragraph (3);
- (r) in rule 78(1)(b) (the amount of a costs order), in both instances in which it occurs, for “an Employment Judge” substitute “the Tribunal”;
- (s) in rule 89 (substituted service), for “President, Vice President or a Regional Employment Judge” substitute “Tribunal”;
- (t) in rule 97 (collective agreements)—
  - (i) in paragraph (b), for “an Employment Judge” substitute “the Tribunal”;
  - (ii) in both places where it occurs, for “the Judge” substitute “the Tribunal”.
- (6) In Schedule 3 (the employment tribunals (equal value) rules of procedure)—
  - (a) in rule 6(1) (conduct of stage 2 equal value hearing), for “Any stage 2 equal value hearing shall be conducted by a full tribunal hearing and at the hearing” substitute “At a stage 2 equal value hearing”;
  - (b) in rule 12 (procedural matters), omit paragraph (3).