

2010 No. 131

EMPLOYMENT TRIBUNALS

The Employment Tribunals (Constitution and Rules of Procedure) (Amendment) Regulations 2010

<i>Made</i>	- - - -	<i>25th January 2010</i>
<i>Laid before Parliament</i>		<i>27th January 2010</i>
<i>Coming into force</i>	- -	<i>6th April 2010</i>

The Secretary of State, in exercise of the powers conferred by sections 7(1) and (5) and 41(4) of the Employment Tribunals Act 1996(a), and after consultation with the Administrative Justice and Tribunals Council, and that Council having consulted with the Scottish Committee and the Welsh Committee, in accordance with paragraph 24 of Schedule 7 to the Tribunals, Courts and Enforcement Act 2007(b), makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Employment Tribunals (Constitution and Rules of Procedure) (Amendment) Regulations 2010 and shall come into force on 6th April 2010.

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

2.—(1) Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004(c) is amended as follows.

(2) At the end of rule 2 insert—

“(3) If the claim or part of it is accepted, the Secretary may, if the Secretary considers it appropriate, send a copy of the claim or part of it, to a regulator where the claimant (C) has—

(a) consented; and

(b) alleged in the claim that C has made a protected disclosure.

(4) For the purposes of paragraph (3) a regulator means a person listed in the Annex to this Schedule; and a protected disclosure has the meaning given to that expression by section 43A of the 1996 Act(d).”

(a) 1996 c. 17; by virtue of section 1 of the Employment Rights (Dispute Resolution) Act 1998 (c. 8) industrial tribunals were renamed employment tribunals and references to “industrial tribunal” and “industrial tribunals” in any enactment were substituted with “employment tribunal” and “employment tribunals”. Section 7 was interpreted by section 239(4) of the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), as inserted by paragraph 1 of Schedule 5 to the Employment Relations Act 1999 (c. 26).

(b) 2007 c. 15.

(c) S.I. 2004/1861, as amended by S.I. 2004/2351, S.I. 2005/435, S.I. 2005/1865, S.I. 2006/680, S.I. 2008/2683 and S.I.2008/3240.

(d) 1996 c. 18. Section 43A was inserted by section 1 of the Public Interest Disclosure Act 1998 c. 23.

(3) At the end of Rule 61 insert—

“ANNEX
LIST OF REGULATORS

Accounts Commission for Scotland and auditors appointed by the Commission to audit the accounts of local government bodies.

Audit Commission for England and Wales and auditors appointed by the Commission to audit the accounts of local government, and health service, bodies.

Certification Officer.

Charity Commissioners for England and Wales.

The Scottish Ministers.

Chief Executive of the Criminal Cases Review Commission.

Chief Executive of the Scottish Criminal Cases Review Commission.

Civil Aviation Authority.

Office of Communications.

The competent authority under Part IV of the Financial Services and Markets Act 2000^(a).

Commissioners for Her Majesty’s Revenue and Customs.

Comptroller and Auditor General of the National Audit Office.

Auditor General for Wales.

Auditor General for Scotland and persons appointed by that person (or on behalf of that person) under the Public Finance and Accountability (Scotland) Act 2000^(b) to act as auditors or examiners for the purposes of sections 21 to 24 of that Act.

Audit Scotland.

Gas and Electricity Markets Authority.

Water Services Regulation Authority.

Convener of the Water Customer Consultation Panels and any member of those Panels.

Water Industry Commission for Scotland.

Water Industry Commissioner for Scotland.

Director of the Serious Fraud Office.

Lord Advocate, Scotland.

Environment Agency.

Scottish Environment Protection Agency.

Food Standards Agency.

^(a) 2000 c. 8. There are amendments to this Act which are not relevant to these Regulations.

^(b) 2000 (asp 1). Section 21(5) was amended by S.I. 2000/948. There are other amendments to this Act which are not relevant to these Regulations.

Financial Services Authority.

The Financial Reporting Council Limited and its operating bodies the Professional Oversight Board, the Financial Reporting Review Panel and the Accountancy and Actuarial Discipline Board.

General Social Care Council.

Care Council for Wales.

Scottish Social Services Council.

Children's Commissioner.

Commissioner for Children and Young People in Scotland.

Children's Commissioner for Wales.

Health and Safety Executive.

Regulator of Social Housing.

Local authorities which are responsible for the enforcement of health and safety legislation.

Independent Police Complaints Commission.

Information Commissioner.

Scottish Information Commissioner.

Care Quality Commission.

The Independent Regulator of NHS Foundation Trusts.

National Assembly for Wales.

Scottish Commission for the Regulation of Care.

Pensions Regulator.

Office of Fair Trading.

Office of Rail Regulation.

Standards Board for England.

Local Commissioner in Wales.

Standards Commission for Scotland and the Chief Investigating Officer.

Treasury.

Secretary of State for Business, Innovation and Skills.

Secretary of State for Transport.

Local authorities which are responsible for the enforcement of consumer protection legislation.

Local authorities which are responsible for the enforcement of food standards.

A person (regulator A) carrying out functions, by virtue of legislation, relating to matters in respect of which another regulator (regulator B), who is listed in this Schedule and was previously responsible for carrying out the same or substantially similar functions and has ceased to be so responsible.”.

Transitional provisions

3. Regulation 2 shall not have effect where the claim is presented to an Employment Tribunal Office on or before 5th April 2010.

25th January 2010

Lord Young of Norwood Green
Minister of State for Employment Relations and Postal Affairs
Department for Business, Innovation and Skills

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations come into force on 6th April 2010 and amend the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004 (S.I. 2004/1861) (as amended by S.I. 2004/2351, 2005/435, 2005/1865, 2008/2683 and 2008/3240).

These Regulations make provision to enable the Tribunal Service to forward a claim to a regulator listed in the new Annex to Schedule 1 in certain circumstances. The Annex reflects the list of prescribed persons listed in the Public Interest Disclosure (Prescribed Persons) Order 1999 Order (S.I. 1999/1549), as amended. The Employment Rights Act 1996 (c. 18) provides a worker with the right not to suffer a detriment, or be dismissed, as a result of making a qualifying disclosure to a prescribed person in accordance with the requirements of that Act. A full Impact Assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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STATUTORY INSTRUMENTS

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£4.00