



**Tribunals  
Judiciary**

**JUDGE SUSAN WALKER**  
PRESIDENT  
EMPLOYMENT TRIBUNALS  
(SCOTLAND)



**Courts and  
Tribunals Judiciary**

**JUDGE BARRY CLARKE**  
PRESIDENT  
EMPLOYMENT TRIBUNALS  
(ENGLAND & WALES)

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18 December 2024

To: All members of the ET (E&W) and ET (Scotland) national user groups

Dear user group members

This letter is being circulated to the members of the national user groups for Employment Tribunals north and south of the border. It is also published on the websites of the two jurisdictions at these links: [here](#) for England and Wales and [here](#) for Scotland.

The Employment Tribunal Procedural Rules 2024 take effect on 6 January 2025. The Practice Directions and the Presidential Guidance documents that have been issued (whether by us or our predecessors) and which remain extant are set out on our respective websites: [here](#) for England and Wales and [here](#) for Scotland. They were issued under previous iterations of our procedural rules. Those Practice Directions and Presidential Guidance documents remain in effect. Until such time they are reviewed, references therein to the Employment Tribunals Rules of Procedure 2013 should be read as references to the Employment Tribunal Procedural Rules 2024, with the assistance of the attached conversion table prepared by Regional Employment Judge David Franey. Furthermore, please note the power of the Presidents to make Practice Directions is now set out at section 7A(1) of the Employment Tribunals Act 1996.

Yours sincerely

Judge Barry Clarke  
President

Judge Susan Walker  
President



# Courts and Tribunals Judiciary

## Comparison Table

### The Employment Tribunal Procedure Rules 2024

This table compares the procedural rules found in the [Employment Tribunals \(Constitution and Rules of Procedure\) Regulations 2013](#) with the provisions of the [Employment Tribunal Procedure Rules 2024](#) found in SI 2024 No 1155. The statutory instrument was laid before Parliament on 6 December 2024 and will come into force on **6 January 2025**.

**From that date the 2024 rules will apply to all cases in the Employment Tribunals in England & Wales and in Scotland.**

Responsibility for making the procedural rules for Employment Tribunals, save in relation to national security matters, passed to the [Tribunal Procedure Committee](#) (“TPC”) on 25 April 2024 when the [Judicial Review and Courts Act 2022 \(Commencement No. 6\) Regulations 2024](#) brought into force section 34 of and Schedule 5 to the [Judicial Review and Courts Act 2022](#). The new provisions now form [section 37QA](#) of and [Schedule A1](#) to the [Employment Tribunals Act 1996](#).

In anticipation of this change the TPC issued a [Consultation Paper](#) on 3 April 2024. The [TPC Reply to the Consultation](#) was issued on 22 November 2024. The background to the 2024 rules, and the rationale for the changes, can be found in those documents.

Responsibility for national security provisions passed to the Lord Chancellor at the same time. The procedural rules for such cases were found in schedule 2 to the 2013 regulations. The new statutory instrument is made jointly by the TPC and Lord Chancellor and the national security rules now form schedule 1 to it.

Most of the changes to the wording of the rules are required in order to meet the drafting standards for a new statutory instrument.

The provisions about time limits for health and safety and Energy Act appeals (2013 rules 105 and 106 respectively) are to be moved into the 2013 regulations (new regulations 14A and 14B respectively) as the TPC has no power to prescribe such time limits.

<b>“Old” Provision - 2013 Regulations and Schedules</b>	<b>“New” Provision - 2024 Rules</b>	<b>Notes</b>
<b>Regulation 1</b> Citation and commencement	<b>Rule 1</b>	No substantive change. The new Rules will come into force on 6 January 2025 immediately after the <a href="#">Employment Tribunals (Procedure Rules) (Consequential Amendments) Regulations 2024</a> , which amend the 2013 Regulations by revoking those parts which contain provisions about procedure rules so as to enable the 2024 Rules to take their place.
<b>Rule 1</b> Interpretation	<b>Rule 2</b>	There are no substantive changes to the definitions but rule 2 now contains provisions which used to be found elsewhere in the Rules. The distinction between an Order and a Judgment, formerly rule 1(3), is now contained in the interpretation rule. The definition of “presiding member” found in the <a href="#">Employment Tribunals and Employment Appeal Tribunal (Composition of Tribunal) Regulations 2024</a> is now incorporated here.
<b>Rule 2</b> Overriding objective	<b>Rule 3</b>	No substantive change but the rule has been subdivided. Here and in many other rules “shall” has been replaced by “must”.
<b>Rule 3</b> Alternative dispute resolution	<b>Rule 4</b>	No change.
<b>Rule 4</b> Time	<b>Rule 5</b>	Slight change to what is now rule 5(2): if time expires on a non-working day the act is treated as in time if done by midnight on the next working day. The definition of a working day is moved to sub-rule (8).
<b>Rule 5</b> Extending or shortening time	<b>Rule 5(7)</b>	No change but now part of the general rule on time rather than a separate rule.

<b>Rule 6</b> Irregularities and non-compliance	<b>Rule 6</b>	The rule has been split into sections and references to other rules revised. Note that new rule 6(3) identifies those rules which are beyond its scope because they make their own provision for the consequences of non-compliance.
<b>Regulation 10B</b> Delegation to Legal Officers	<b>Rule 7</b>	The power to delegate functions to Legal Officers has been moved from the Regulations into the Rules and given to the Senior President of Tribunals (“SPT”). The right to have a Legal Officer decision considered afresh by a Judge is preserved. Note that the phrase “Legal Officer” does not appear in the new provisions, which instead use the term “staff” as in the First Tier Tribunals.
<b>Rule 7</b> Presidential Guidance	<b>Rule 8</b>	No substantive change but it is clarified that there can be separate guidance from the Presidents of England & Wales and of Scotland for their own area.
<b>Regulation 12</b> Prescribed forms	<b>Rule 9</b>	The power to prescribe forms has been moved from the Secretary of State to the Presidents, acting by Practice Direction. There is otherwise no substantive change.
<b>Rule 8</b> Presenting the claim	<b>Rule 10</b>	No change.
<b>Rule 9</b> Multiple Claimants	<b>Rule 11</b>	No change.
<b>Rule 10</b> Rejection – Prescribed form/minimum information	<b>Rule 12</b>	No change.
<b>Rule 11</b> Rejection – Fees	-	Rule omitted as fees are no longer applicable.
<b>Rule 12</b> Rejection: Substantive defects	<b>Rule 13</b>	No substantive change but the lettering/numbering of the sub-rules has been regularised.

<b>Rule 13</b> Reconsideration of rejection	<b>Rule 14</b>	No change save to what is now rule 14(4), which applies where a defect is rectified. The wording has been amended slightly to clarify that it is the date that the application to rectify the defect is received which is treated as the date of presentation, instead of the date the defect was rectified.
<b>Rule 14</b> Protected disclosures – referral to regulator	<b>Rule 15</b>	No change.
<b>Rule 15</b> Sending claim form to respondents	<b>Rule 16</b>	No change save that the requirement to send a blank response form with the notice of claim has been removed to reflect digital working.
<b>Rule 16</b> Response	<b>Rule 17</b>	No substantive change but this rule has been amended so as to reflect the power for the Presidents to prescribe by Practice Direction how a response must be presented. Rule 17(4) has been added to make the position for response forms from multiple respondents the same as for claim forms in rule 9: rule 6 applies to any irregularity.
<b>Rule 17</b> Rejection of response form	<b>Rule 18</b>	No change save that the rule now recognises that if there is more than one respondent each gets a copy of the rejected response.
<b>Rule 18</b> Rejection – Late response form	<b>Rule 19</b>	No substantive change but the wording has been clarified to cover pending applications.
<b>Rule 19</b> Reconsideration of rejection of response	<b>Rule 20</b>	No substantive change save for clarification of the deemed date of presentation of the response where a defect is rectified, to match new rule 14(4) for claim forms.
<b>Rule 20</b> Applications for extension of time for response	<b>Rule 21</b>	No substantive change.

<b>Rule 21</b> Case not contested	<b>Rule 22</b>	No change.
<b>Rule 22</b> Notification of acceptance of response	<b>Rule 23</b>	No change save for express exception for national security proceedings.
<b>Rule 23</b> Employer's Contract Claim ("ECC")	<b>Rule 24</b>	No substantive change but the wording has been clarified where it refers to the equivalent rules for claims.
<b>Rule 24</b> Notification of ECC	<b>Rule 25</b>	Slight rewording but no change.
<b>Rule 25</b> Responding to an ECC	<b>Rule 26</b>	No substantive change but such a document is now called a "reply" not a "response" to the ECC.
<b>Rule 26</b> Initial consideration	<b>Rule 27</b>	Slightly reworded. The express reference to case management powers has been removed because it is covered by new rule 30.
<b>Rule 27</b> Dismissal of claim or part	<b>Rule 28</b>	Slight rewording but no change. Note that the definition in rule 2(1) means this can now apply to an ECC too.
<b>Rule 28</b> Dismissal of response	<b>Rule 29</b>	Slightly reworded but no change save that it now covers a reply to an ECC.
<b>Rule 29</b> Case Management Orders	<b>Rule 30</b>	No change save that the rule now expressly acknowledges the restrictions on granting postponements under new rule 32 (old rule 30A).
<b>Rule 30</b> Applications for Case Management Orders	<b>Rule 31</b>	No change.

<b>Rule 30A</b> Postponements	<b>Rule 32</b>	No change though the wording has been consolidated.
<b>Rule 31</b> Disclosure	<b>Rule 33</b>	No change.
<b>Rule 32</b> Witness Orders	<b>Rule 34</b>	No change.
<b>Rule 33</b> Evidence from EU Member States	-	This rule was repealed on 31 December 2020 by virtue of withdrawal from the EU.
<b>Rule 34</b> Addition, substitution and removal of parties	<b>Rule 35</b>	No change.
<b>Rule 35</b> Interested Parties	<b>Rule 36</b>	No change save it is enough now if the Tribunal <i>considers</i> that the person has a legitimate interest in the proceedings.
<b>Rule 36</b> Lead Cases	<b>Rule 37</b>	No change
<b>Rule 37</b> Striking Out	<b>Rule 38</b>	No change save that this rule now applies to a reply to an ECC too.
<b>Rule 38</b> Unless Orders	<b>Rule 39</b>	No change save that this rule now applies to a reply to an ECC too.
<b>Rule 39</b> Deposit Orders	<b>Rule 40</b>	No change save terminology – the “paying party” is now the “depositor”. The rule also now applies to a reply to an ECC.

<b>Rule 40</b> Non-payment of fees	-	Omitted as fees are no longer applicable.
<b>Rule 41</b> General conduct of hearings	<b>Rule 41</b>	No substantive change but divided into sub-rules.
<b>Rule 42</b> Written representations	<b>Rule 42</b>	The rule has been reworded to make it clear that the Tribunal can still consider written representations submitted less than seven days before the hearing, but is not bound to do so.
<b>Rule 43</b> Witnesses	<b>Rule 43</b>	No change but split into sub-rules.
<b>Rule 44</b> Inspection of witness statements	<b>Rule 44</b>	No change save the addition of sub-rule (3) which clarifies that if a witness statement is not admitted in evidence it is not available for inspection.
<b>Rule 45</b> Timetabling	<b>Rule 45</b>	No change.
<b>Rule 46</b> Electronic Communications	<b>Rule 46</b>	No change.
<b>Rule 47</b> Non-attendance	<b>Rule 47</b>	No change.
<b>Rule 48</b> Conversion of Preliminary Hearing to Final Hearing	<b>Rule 48</b>	No change.



<b>Rule 49</b> Majority Decisions	-	This rule was repealed by the <a href="#">Employment Tribunals and EAT (Composition of Tribunal) Regulations 2024</a> from 29 October 2024 (when the SPT's <a href="#">Practice Direction on Panel Composition</a> took effect). The provision on majority decisions is now in <a href="#">regulation 6(5)</a> of those regulations.
<b>Rule 50</b> Privacy	<b>Rule 49</b>	No change save that the examples of possible orders in new rule 49(3) now include a new example (e): redaction of a name, address or other personal information.
<b>Rule 51</b> Withdrawal	<b>Rule 50</b>	No change.
<b>Rule 52</b> Dismissal following withdrawal	<b>Rule 51</b>	No change.
<b>Rule 53</b> Preliminary Hearings	<b>Rule 52</b>	No change.
<b>Rule 54</b> Fixing of Preliminary Hearing	<b>Rule 53</b>	No change but slightly reworded.
<b>Rule 55</b> Constitution of Tribunal for PH	-	Superseded by the <a href="#">Composition Regulations</a> and now in the SPT's <a href="#">Practice Direction</a> .
<b>Rule 56</b> When PH in public	<b>Rule 54</b>	No change but rule slightly reworded.
<b>Rule 57</b> Scope of Final Hearing	<b>Rule 55</b>	No change.
<b>Rule 58</b> Notice of Final Hearing	<b>Rule 56</b>	No change but now covers a reply to an ECC.

<b>Rule 59</b> Final Hearing in public	<b>Rule 57</b>	No change.
<b>Rule 60</b> Decisions without a hearing	<b>Rule 58</b>	No change but now covers Legal Officer decisions too.
<b>Rule 61</b> Decisions at a hearing	<b>Rule 59</b>	No change, save that the requirement for the Judgment to be signed by the Judge as presiding member has been replaced by a requirement for it to be “approved”. This was one element of a separate <a href="#">consultation exercise</a> by the TPC between 30 July and 22 October 2024, and the majority of responses were in favour of removing this requirement.
<b>Rule 62</b> Reasons	<b>Rule 60</b>	No change save the reference to approval rather than signature.
<b>Rule 63</b> Absence of presiding member	<b>Rule 61</b>	No change save the reference to approval rather than signature.
<b>Rule 64</b> Consent orders	<b>Rule 62</b>	No change.
<b>Rule 65</b> When a Judgment takes effect	<b>Rule 63</b>	No change.
<b>Rule 66</b> Time for Compliance	<b>Rule 64</b>	No change.
<b>Rule 67</b> The Register	<b>Rule 65</b>	No change.

<b>Rule 68</b> Copies of Judgment for referring Court	<b>Rule 66</b>	No change.
<b>Rule 69</b> Slip rule	<b>Rule 67</b>	No change, but (a) this rule also now refers to approval rather than signature, and (b) sub-rule (4) now extends this to Legal Officer decisions.
<b>Rule 70</b> Reconsideration principles	<b>Rule 68</b>	No change save clarification that the Tribunal taking a decision again may come to a different conclusion.
<b>Rule 71</b> Application for Reconsideration	<b>Rule 69</b>	No change.
<b>Rule 72</b> Reconsideration Process	<b>Rule 70</b>	No substantive change but the rule has been divided into sub-rules.  Note that under paragraph 6 of the SPT's <a href="#">Practice Direction</a> consideration under rule 70(2) is done by the presiding member alone.
<b>Rule 73</b> Reconsideration by the Tribunal on its own initiative	<b>Rule 71</b>	No change.
<b>Rule 74</b> Costs definitions	<b>Rule 72</b>	Some of these definitions have been moved into new Rule 1, including definitions of lay and legal representatives.
<b>Rule 75</b> Costs Orders and Preparation Time Orders	<b>Rule 73</b>	No change.

<b>Rule 76</b> When an order may be made	<b>Rule 74</b>	No substantive change but the rule has been reorganised. Old rule 76(4) about fees has been omitted.
<b>Rule 77</b> Costs Procedure	<b>Rule 75</b>	No change.
<b>Rule 78</b> Amount of a Costs Order	<b>Rule 76</b>	No change.
<b>Rule 79</b> Amount of PTO	<b>Rule 77</b>	No change but the applicable hourly rate has been updated to its current level.
<b>Rule 80</b> Wasted Costs Order	<b>Rule 78</b>	No change but the rule has been reorganised.
<b>Rule 81</b> Effect of Wasted Costs Order	<b>Rule 79</b>	No change.
<b>Rule 82</b> Wasted Costs Procedure	<b>Rule 80</b>	No change but divided into sub-rules.
<b>Rule 83</b> Allowances	<b>Rule 81</b>	No change.
<b>Rule 84</b> Ability to pay	<b>Rule 82</b>	No change.

<b>Rule 85</b> Delivery to the Tribunal	<b>Rule 83</b>	"Delivery" has been replaced by "sending documents" in this and subsequent rules. Otherwise no change.
<b>Rule 86</b> Delivery to Parties	<b>Rule 84</b>	No change.
<b>Rule 87</b> Delivery to non- parties	<b>Rule 85</b>	No change.
<b>Rule 88</b> Special Cases	<b>Rule 86</b>	No change, but the Law Officers are now specified.
<b>Rule 89</b> Substituted Service	<b>Rule 87</b>	Now termed "Alternative Address" but no substantive change.
<b>Rule 90</b> Date of Delivery	<b>Rule 88</b>	No change.
<b>Rule 91</b> Irregular Service	<b>Rule 89</b>	No change.
<b>Rule 92</b> Correspondence	<b>Rule 90</b>	No change save that national security cases are now expressly exempt in addition to applications for witness orders.
<b>Rule 92A</b> Digital Case Management	<b>Rule 91</b>	No change.
<b>Rule 93</b> ACAS	<b>Rule 92</b>	No change.
<b>Rule 94</b> National Security Proceedings	<b>Rule 93</b>	No change but the rule has been slightly reorganised.

<b>Rule 95</b> Interim Relief Proceedings	<b>Rule 94</b>	No change.
<b>Rule 96</b> National Insurance Fund	<b>Rule 95</b>	No change.
<b>Rule 97</b> Collective Agreements	<b>Rule 96</b>	No change.
<b>Rule 98</b> Devolution Issues	<b>Rule 97</b>	No change.
<b>Rule 99</b> Transfer between Scotland and E&W	<b>Rule 98</b>	The rule has been reorganised and the power to consent to a transfer in is extended from the Presidents to the Vice President (Scotland) and to Regional Employment Judges (E&W).
<b>Rule 100</b> References to the CJEU	-	Repealed on 31 December 2020 due to withdrawal from the EU.
<b>Rule 101</b> Transfer of Proceedings from a Court	<b>Rule 99</b>	No change.
<b>Rule 102</b> Vexatious Litigants	<b>Rule 100</b>	No change.
<b>Rule 103</b> Information to the Equality and Human Rights Commission	<b>Rule 101</b>	No change.
<b>Rule 104</b> Levy Appeals	<b>Rule 102</b>	No change but levy appeal is now defined.

<b>Rule 105</b> Health and Safety Appeals	<b>Rule 103</b>	No change save that the new rule now refers to the new regulation 14A in the 2013 Regulations, where the time limit provision will be found.
<b>Rule 105A</b> Energy Act Appeals	<b>Rule 104</b>	No change save that the new rule now refers to new regulation 14B in the 2013 Regulations, where the time limit provision will be found.
<b>Rule 106</b> Appeal against unlawful act notice	<b>Rule 105</b>	No change but “unlawful act notice” is now defined by reference to section 21 of the <a href="#">Equality Act 2006</a> .
<b>Schedule 2</b> National Security Proceedings	<b>Schedule 1</b>	No substantive change but there has been some rewording in the interests of clarity.
<b>Schedule 3</b> Equal Value Rules	<b>Schedule 2</b>	No substantive change but there has been some rewording in the interests of clarity. The indicative timetable has been abandoned.