

## SCHEDULE 1

### THE EMPLOYMENT TRIBUNALS RULES OF PROCEDURE

#### *HOW TO BRING A CLAIM*

##### **Starting a claim**

1.—(1) A claim shall be brought before an employment tribunal by the claimant presenting to an Employment Tribunal Office the details of the claim in writing. Those details must include all the relevant required information (subject to paragraph (5) of this rule and to rule 53 (Employment Agencies Act 1973)).

(2) The claim may only be presented to an Employment Tribunal Office in England and Wales if it relates to English and Welsh proceedings (defined in regulation 19(1)). The claim may only be presented to an Employment Tribunal Office in Scotland if it relates to Scottish proceedings (defined in regulation 19(2)).

(3) Unless it is a claim in proceedings described in regulation 14(3), a claim which is presented on or after 6 April 2005 must be presented on a claim form which has been prescribed by the Secretary of State in accordance with regulation 14.

(4) Subject to paragraph (5) and to rule 53, the required information in relation to the claim is —

- (a) each claimant's name;
- (b) each claimant's address;
- (c) the name of each person against whom the claim is made ("the respondent");
- (d) each respondent's address;
- (e) details of the claim;
- (f) whether or not the claimant is or was an employee of the respondent;
- (g) whether or not the claim includes a complaint that the respondent has dismissed the claimant or has contemplated doing so;
- (h) whether or not the claimant has raised the subject matter of the claim with the respondent in writing at least 28 days prior to presenting the claim to an Employment Tribunal Office;
- (i) if the claimant has not done as described in (h), why he has not done so.

(5) In the following circumstances the required information identified below is not required to be provided in relation to that claim —

- (a) if the claimant is not or was not an employee of the respondent, the information in paragraphs (4)(g) to (i) is not required;
- (b) if the claimant was an employee of the respondent and the claim consists only of a complaint that the respondent has dismissed the claimant or has contemplated doing so, the information in paragraphs (4)(h) and (i) is not required;
- (c) if the claimant was an employee of the respondent and the claim does not relate to the claimant being dismissed or a contemplated dismissal by the respondent, and the claimant has raised the subject matter of the claim with the respondent as described in paragraph (4)(h), the information in paragraph (4)(i) is not required.

(6) References in this rule to being dismissed or a dismissal by the respondent do not include references to constructive dismissal.

(7) Two or more claimants may present their claims in the same document if their claims arise out of the same set of facts.

**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

(8) When section 32 of the Employment Act applies to the claim or part of one and a chairman considers in accordance with subsection (6) of section 32 that there has been a breach of subsections (2) to (4) of that section, neither a chairman nor a tribunal shall consider the substance of the claim (or the relevant part of it) until such time as those subsections have been complied with in relation to the claim or the relevant part of it.