

SCHEDULE 5

Regulation 16(3)(c)

THE EMPLOYMENT TRIBUNALS (NON-DISCRIMINATION NOTICES APPEALS) RULES OF PROCEDURE

For use only in proceedings in an appeal against a non-discrimination notice

Application of Schedule 1

1. Subject to rules 5 and 6 of this Schedule, Schedule 1 shall apply to appeals against a non-discrimination notice. The rules in this Schedule modify the rules in Schedule 1 in relation to such appeals. If there is conflict between the rules contained in this Schedule and those in Schedule 1, the rules in this Schedule shall prevail.

Definitions

2. In this Schedule and in relation to proceedings to which this Schedule applies —
- “appeal”, unless the context requires otherwise, means an appeal referred to in section 68(1) (a) of the Sex Discrimination Act, in section 59(1)(a) of the Race Relations Act or, as the case may be, in paragraph 10(1) and (2)(a) of Schedule 3 to the Disability Rights Commission Act; “Disability Rights Commission Act” means the Disability Rights Commission Act 1999(1); “non-discrimination notice” means a notice under section 67 of the Sex Discrimination Act, under section 58 of the Race Relations Act or, as the case may be, under section 4 of the Disability Rights Commission Act; and
- “respondent” means the Equal Opportunities Commission established under section 53 of the Sex Discrimination Act, the Commission for Racial Equality established under section 43 of the Race Relations Act or, as the case may be, the Disability Rights Commission established under section 1 of the Disability Rights Commission Act.

Notice of Appeal

3. A person wishing to appeal a non-discrimination notice (the appellant) shall do so by sending to the Employment Tribunal Office two copies of a notice of appeal which must be in writing and must include the following —
- the name and address of the appellant and, if different, an address to which he requires notices and documents relating to the appeal to be sent;
 - the date of the non-discrimination notice appealed against;
 - the name and address of the respondent;
 - details of the requirements which are being appealed; and
 - the grounds for the appeal.

Action on receipt of appeal

4. On receiving the notice of appeal the Secretary shall —
- send a copy of the notice of appeal to the respondent; and
 - inform the parties in writing of the case number of the appeal (which must from then on be referred to in all correspondence relating to the appeal) and of the address to which notices and other communications to the Employment Tribunal Office shall be sent.

(1) 1999 c. 17.

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

Provisions of Schedule 1 which do not apply to appeals against non-discrimination notices

5. The following rules in Schedule 1 shall not apply in relation to appeals against a non-discrimination notice: rules 1 to 9, 16(1)(c), 18(2)(c) and (e), 20 to 24, 33, 34(1)(a), 34(2), 34(4), 38(4), 39, 42(4), 43, 47, 49 to 53, 55, and paragraphs (4)(a), (7) and (8) of rule 61. All references in Schedule 1 to the rules listed in this rule shall have no effect in relation to an appeal against a non-discrimination notice.

Modification of Schedule 1

6. Schedule 1 shall be further modified so that all references in Schedule 1 to a claim shall be read as references to a notice of appeal or to an appeal against a non-discrimination notice, as the context may require, and all references to the claimant shall be read as references to the appellant in such an appeal.