



Department
for Business
Innovation & Skills

**Small Business, Enterprise and
Employment Bill 2014**

**Consultation on Amendments
to Employment Tribunal
Postponement Procedures**

JANUARY 2015

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1. Executive Summary

1. The Government believes that workplace disputes are best resolved outside of the formalities of an Employment Tribunal (ET). However, where that is not possible we are committed to delivering a more efficient ET service for all users.
2. One of the concerns about the Tribunal system voiced by stakeholders is the time it takes. Unnecessary and short notice postponements can increase the length of the process and lead to additional costs for those involved.
3. In response to this, and subject to Parliamentary approval, the Small Business, Enterprise and Employment (SBEE) Bill will include measures to help address stakeholder concerns about such delays and costs.
4. The SBEE Bill will provide additional powers to make regulations governing ET procedure. Using these together with existing powers in the Employment Tribunals Act we intend to amend the Employment Tribunal Rules of Procedure (“the Rules”) in the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 (“the Regulations”) to
 - a. limit the number of postponements that can be granted to a party, in a single case, other than in exceptional circumstances.
 - b. Introduce a deadline after which applications for the postponement of a hearing would only be allowed in exceptional circumstances.
 - c. place an obligation on ETs to consider granting costs orders where late notice postponements are granted.
5. The new rules will apply to applications for the postponement or adjournment of a hearing which results in the relevant hearing being rescheduled to a future date or dates.
6. There are three components to the proposed changes to the postponement rules:
 - a. Provide that where a party has been granted 2 previous postponements of hearings in the same case, any further applications by that party for a postponement will only be granted in exceptional circumstances.
 - b. Provide that any application for a postponement presented less than 7 days before the date of the relevant hearing or made at the hearing itself shall only be granted in exceptional circumstances.
 - c. Oblige Tribunals to consider the imposition of a cost order or a preparation time order against a party that is granted a late postponement. A late postponement is a postponement where the application is made less than 7 days before the date of the hearing.
7. We seek views from stakeholders and parties involved in ET processes, including employers and employees and other users of the system.

8. This consultation will run for a period of 8 weeks from 16 January 2015 to 12 March 2015, with the aim of implementing the new rules following Royal Assent of the SBEE Bill, currently going through Parliament.

Issued: 16 January 2015

Respond by: 12 March 2015

Enquiries to: Debbie Fox
Employment Tribunals Policy Advisor
Labour Market Directorate
Department for Business, Innovation and Skills
1 Victoria Street
LONDON
SW1H 0ET
Tel: 0207 215 2929
Email: debbie.fox@bis.gsi.gov.uk

2. How to respond

9. When responding please state whether you are responding as an individual or representing the views of an organisation. If you are responding on behalf of an organisation, please make it clear who the organisation represents by selecting the appropriate interest group on the consultation form and, where applicable, how the views of members were assembled.
10. You can reply to this consultation online at [On Line Survey](#)
11. The consultation response form is available electronically on the consultation page: <https://www.gov.uk/government/consultations/employment-tribunal-postponement-procedures> (until the consultation closes). The form can be submitted online/by email or by letter to:

Debbie Fox
Employment Tribunals
Labour Market Directorate
Department for Business, Innovation and Skills
1 Victoria Street
LONDON
SW1H 0ET
Tel: 0207 215 2929
Email: Debbie.fox@bis.gsi.gov.uk

12. Versions of this document are available in other formats, for example Braille, other languages or audio-cassette upon request.
13. BIS consultations are digital by default but if required printed copies of the consultation document can be obtained from:

Debbie Fox
Employment Tribunals
Labour Market Directorate
Department for Business, Innovation and Skills
1 Victoria Street
LONDON
SW1H 0ET

3. Confidentiality & Data Protection

14. Information provided in response to this consultation, including personal information, may be subject to publication or release to other parties or to disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004). If you want information, including personal data that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.
15. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

4. Help with queries

16. Questions about the policy issues raised in the document can be addressed to:

Debbie Fox
Employment Tribunals Policy Advisor
Labour Market Directorate
Department for Business, Innovation and Skills
1 Victoria Street
LONDON
SW1H 0ET
Tel: 0207 215 2929

Email: debbie.fox@bis.gsi.gov.uk

5. The proposals

17. Internal management information from Her Majesty's Courts and Tribunals Service (HMCTS) shows that in the two-year period to 31 March 2013, there were approximately 67,750 postponements of ETs.
18. Postponements can arise in three ways – on the initiative of the Tribunal itself, or following an application by claimants or respondents. Claimants represent the largest group, accounting for around 80% of postponement applications in this period.
19. One of the concerns about the Tribunal system voiced by ET users, is the time it takes. Unnecessary and short notice postponements can increase the length of the process and lead to additional costs for those involved.
20. It is in the interest of all parties that tribunals proceed as efficiently as possible without unnecessary delays. These measures are aimed at reducing delays by encouraging parties to think carefully about the need for a postponement.
21. An initial draft of the **Employment Tribunals (Constitution and Rules of Procedure) (Amendment) Regulations 2015** are attached at [Annex A](#) and the draft changes to the Rules of Procedure are at [Annex B](#) to this document. A more detailed explanation of those proposals is set out below.
22. Postponement applications are currently considered under general ET case management powers. These new rules are intended to formalise and promote this process, and increase clarity to all parties.

Limit to the number of postponements

23. We propose to limit the number of postponements that can be granted to **2 postponements per party per case**. This will mean that if a party to a Tribunal sought a third postponement of a hearing in the same case this would not be allowed, except in exceptional circumstances.
24. These rules would be applied all hearings, to include preliminary and final hearings. They will also apply to adjournments, where it results in a relisting of the hearing, but would not include short adjournments for the purposes of case management.
25. ETs will retain discretion to grant additional postponements to a party, over and above the 2 they would be allowed under these provisions, under exceptional circumstances.

QUESTION 1:

Is a limit of 2 successful postponement applications per party, per case, appropriate? Please provide your reasons.

Time limit for postponement applications

26. We are proposing to set a deadline of **'less than 7 days before the planned date of the hearing,'** after which applications for a postponement would not be allowed, except in exceptional circumstances. This deadline will apply to all postponements and adjournments which lead to the case having to be re-listed.

27. ETs will have the discretion to allow postponements requested after the deadline in exceptional circumstances.

QUESTION 2:

Is a deadline for postponement applications of no less than 7 days before the Employment Tribunal hearing reasonable?

Please provide your reasons.

Exemptions to the new rules on postponements

28. In addition to the discretionary powers of the Tribunal to consider 'exceptional circumstances', the new rules will provide 2 specific exemptions:

- Where the need for a postponement is agreed by both parties and the Tribunal believes it is desirable in order to facilitate reaching a settlement
- or,
- where the Tribunal considers the need for a postponement was necessitated by an act or omission of the Tribunal or another party to the claim. The latter is aimed at situations out of the applicant's control. For example, where one party has to seek a postponement because the other party only shares important information or a document at the last moment before a hearing.

QUESTION 3:

Do you agree with the two specified exemptions to the new rules on postponements?

Please provide your reasons.

Use of Costs Orders and Preparation Time Orders

29. There are already rules that allow Tribunals to consider costs orders or preparation time orders where a party postpones a hearing date. Tribunals are also obliged to consider such orders in certain situations such as where a party has acted unreasonably or the claim had no reasonable chance of success.
30. In addition, the proposed new rules will *oblige* Tribunals to consider costs in the event of short notice postponements. This is intended to cover situations where, although the Tribunal considered there were exceptional circumstances for allowing the late application and granting the postponement, it must consider whether the other side should be compensated in some way for the cost or the time wasted.
31. 'Short notice' for the purposes of these provisions is defined as 'less than 7 days before a hearing'. This is to maintain consistency with the proposed deadlines for postponement applications as prescribed in the proposed rule changes.
32. ETs will still have discretion over whether the short notice request is a result of 'exceptional circumstances' and have regard to a party's ability to pay.

QUESTION 4:

Do you agree that a postponement or adjournment granted less than 7 days before the Tribunal hearing should be regarded as 'late' for the purposes of considering a Cost Order or Preparation Time Order?

Please provide your reasons.

Information on Cost of Postponements to Parties

33. The current proposals have Regulatory Policy Committee confirmation that the measures are a low cost to business. However, we will need to validate the figures with a final Impact Assessment in due course. In order to do this we will need evidence of the costs to parties incurred as a result of short notice or multiple postponement applications.

34. The types of costs faced by Tribunal parties arise in the following ways:

- Time spent preparing for the hearing and repeating that preparation for the new hearing.
- The cost of lost time attending the hearing
- Paying fees for legal advice and representation.
- Cost orders to the other party.

35. A conservative estimate of the benefit to business due to a reduction in postponements is an average of £590¹ per request. A summary of this calculation can be found in [Annex C](#).

QUESTION 5:

**Do you agree with the basis of the cost elements that have been identified due to a postponement?
Please explain.**

QUESTION 6:

**Do you have any evidence to clarify whether the cost of a postponement to any party changes if 2 or more postponements have already been granted?
Please explain.**

QUESTION 7:

**Do you have any evidence to clarify whether the cost of a postponement to any party changes if the postponement is requested less than 7 days prior to a hearing?
Please explain.**

QUESTION 8:

**Do you believe that setting the deadline for postponements at 7 days prior to hearing (unless there are exceptional circumstances) will cause any party to incur additional costs?
Please explain.**

¹The data from SETA 2008 was published in *Findings from the Survey of Employment Tribunal Applications 2008*, March 2010, <http://www.bis.gov.uk/assets/biscore/employment-matters/docs/10-756-findings-from-seta-2008>.
ASHE 2013 Table 2.6a Hourly Pay - excluding overtime.

Potential Impact on People with Protected Characteristics

36. The Equality Act 2010 provides legal protection for people with these Protected Characteristics:

- Age
- Disability
- Sex
- Sexual Orientation
- Gender Reassignment
- Race
- Religion or Belief
- Marriage or Civil Partnership
- Pregnancy and Maternity

37. When considering the changes to the Rules of Procedure for ET postponements we have already given thought to the possible impact on people with Protected Characteristics. It is important to us that everyone has equal access to the Tribunal system, and so we value your comments and views on the impact of our proposals on protected groups.

QUESTION 9:

Can you identify any particular impacts that the proposed changes to the Rules of Procedure for postponements would have on people with Protected Characteristics as defined in the Equality Act 2010?

Please provide your reasons.

QUESTION 10:

Can you identify any additional costs associated with a Tribunal postponement that would be incurred by people with Protected Characteristics?

Please provide your reasons.

6. Consultation Questions

Limit to the number of postponements

QUESTION 1:

**Is a limit of 2 successful postponement applications per party, per case, appropriate?
Please provide your reasons.**

Time limit for postponement applications

QUESTION 2:

**Is a deadline for postponement applications of no less than 7 days before the
Employment Tribunal hearing reasonable?
Please provide your reasons.**

Exemptions to the new rules on postponements

QUESTION 3:

**Do you agree with the two specified exemptions to the new rules on
postponements?
Please provide your reasons.**

Use of Costs Orders and Preparation Time Orders

QUESTION 4:

**Do you agree that a postponement or adjournment granted less than 7 days before
the Tribunal hearing should be regarded as 'late' for the purposes of considering a
Costs Order or Preparation Time Order?
Please provide your reasons.**

Information on Cost of Postponements to Parties

QUESTION 5:

**Do you agree with the basis of the cost elements that have been identified due to a
postponement?
Please explain.**

QUESTION 6:

**Do you have any evidence to clarify whether the cost of a postponement to any party
changes if 2 or more postponements have already been granted?
Please explain.**

QUESTION 7:

**Do you have any evidence to clarify whether the cost of a postponement to any party
changes if the postponement is requested less than 7 days prior to a hearing?
Please explain.**

QUESTION 8:

Do you believe that setting the deadline for postponements at 7 days prior to hearing (unless there are exceptional circumstances) will cause any party to incur additional costs?

Please explain.

Potential Impact on People with Protected Characteristics

QUESTION 9:

Can you identify any particular impacts that the proposed changes to the Rules of Procedure for postponements would have, on people with Protected Characteristics as defined in the Equality Act 2010?

Please provide your reasons.

QUESTION 10:

Can you identify any additional costs associated with a Tribunal postponement that would be incurred by people with Protected Characteristics?

Please provide your reasons.

7. What happens next?

38. This consultation will run for a period of 8 weeks from 16 January 2015 to 12 March 2015

39. A report on the consultation findings will be prepared and published once the responses received have been considered and analysed.

8. Consultation principles

The principles that Government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles.

<http://www.cabinetoffice.gov.uk/sites/default/files/resources/Consultation-Principles.pdf>

Comments or complaints on the conduct of this consultation

If you wish to comment on the conduct of this consultation or make a complaint about the way this consultation has been conducted, please write to:

Angela Rabess
BIS Consultation Co-ordinator,
1 Victoria Street,
London
SW1H 0ET

Telephone Angela on 020 7215 1661
or e-mail to: angela.rabess@bis.gsi.gov.uk

However if you wish to comment on the specific policy proposals you should contact the policy lead (see section 5).

Annex A – Draft Regulations

STATUTORY INSTRUMENTS

2015 No. 0000

EMPLOYMENT TRIBUNALS

The [*Draft*] Employment Tribunals (Constitution and Rules of Procedure) (Amendment) Regulations 2015

<i>Made</i>	- - - -	***
<i>Laid before Parliament</i>		***
<i>Coming into force</i>	- -	***

[NOTE: These regulations are a draft outline of proposals for secondary legislation arising out of clause 146 of the Small Business, Enterprise and Employment Bill. They have been prepared for the purpose of assisting with scrutiny of the Bill in the House of Lords. A public consultation is to be undertaken before any regulations on this subject are finalised.]

The Secretary of State, in exercise of the powers conferred by sections 7(1) [*and any additional powers relied upon following amendments to the Employment Tribunals Act 1996 made by the Bill*] of the Employment Tribunals Act 1996(a), makes the following Regulations.

Citation and commencement

1. These Regulations may be cited as the [*Draft*] Employment Tribunals (Constitution and Rules of Procedure) (Amendment) Regulations 2015 and come into force on [*INSERT DATE – these Regulations can only be laid in Parliament after the Bill receives Royal Assent*].

Amendment to Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013

2. Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013(b) is amended as follows.

3. In rule 29 for “The Particular powers” substitute “Subject to rule 30A, the particular powers”.

4. After rule 30 insert—

“Postponements

30A.—(1) An application by a party for the postponement of a hearing shall be presented to the Tribunal and communicated to the other parties as soon as possible after the need for a postponement becomes known.

(2) Any application presented less than 7 days before the relevant hearing or made at the hearing itself shall only be granted in exceptional circumstances.

(a) 1996 c. 17; by virtue 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. [explanation of insertion of new subsections will also be required]

(b) S.I. 2013/1237

(3) Where a party has been granted, on their application, two previous postponements of hearings in the same claim (or claims being heard concurrently by the Tribunal), any further applications for a postponement shall only be granted in exceptional circumstances.

(4) Paragraphs (2) and (3) do not apply where—

- (a) the Tribunal considers that the postponement application was necessitated by an act or omission of the Tribunal or another party to the claim; or
- (b) the parties are agreed on the need for a postponement and the Tribunal considers that it should be granted for the purposes of giving the opportunity for the parties to resolve their disputes by agreement.

(5) For the purposes of this rule “postponement” includes any postponement or adjournment which results in the relevant hearing being rescheduled to a future date or dates.”

5. In rule 76—

(1) after paragraph (1)(b) add

“; or

- (c) a hearing has been postponed or adjourned on the application of a party made less than 7 days before the relevant hearing”.

Transitional provisions

6.—(1) Subject to paragraph (2) the amendments to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 made by these Regulations apply to all proceedings to which they relate which are presented to an employment tribunal on or after the day on which these Regulations come into force.

Name
Parliamentary Under Secretary of State for Employment Relations and Consumer Affairs

[Date] Department for Business, Innovation and Skills

EXPLANATORY NOTE

(This note is not part of the Regulations)

These [Draft] Regulations amend the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 to introduce rules in relation to the postponement of Employment Tribunal hearings and the use of costs orders where hearings are postponed following applications made at late notice.

Regulation 3 makes it clear that the general power to manage proceedings is subject to the operation of the new rule on postponements to be contained in rule 30A.

Regulation 4 inserts a new rule 30A on postponements. It sets out the circumstances in which an application for a postponement of a hearing will only be granted in exceptional circumstances. In particular it sets out that those circumstances are where the application is made at late notice or where the party that is applying has already applied for and been granted two previous postponements earlier in the case.

Regulation 5 amends rule 76 in relation to the making of costs orders so that a Tribunal must consider whether to make a costs order where it has granted a postponement following a late application by one of the parties.

Regulation 6 provides for a transitional period so that it only applies to those claims brought after the Regulations come into force.

[Reference to the finalised impact assessment will be included here]

Annex B: Draft Amendments to the Employment Tribunals Rules of Procedure

The Small Business Enterprise and Employment Bill will make amendments to the Employment Tribunals Act 1996 to provide additional powers for the Secretary of State for Business Innovation and Skills to make employment tribunal procedure regulations. The intention is that these are combined with existing powers in the 1996 Act to make some amendments to the Employment Tribunals Rules of Procedure which are set out in Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013. The changes will relate to rules on postponement of hearings and the use of costs orders following hearings which are postponed following applications made at late notice. The proposal is to make amendments to Rule 29 (case management orders) and 76 (when a costs order or a preparation time order may or shall be made) as well as inserting a new Rule 30A (postponements).

The relevant rules are shown below with proposed amendments underlined and in bold.

Case management orders

29. The Tribunal may at any stage of the proceedings, on its own initiative or on application, make a case management order. **Subject to rule 30A**, the particular powers identified in the following rules do not restrict that general power. A case management order may vary, suspend or set aside an earlier case management order where that is necessary in the interests of justice, and in particular where a party affected by the earlier order did not have a reasonable opportunity to make representations before it was made.

Applications for case management orders

30.—(1) An application by a party for a particular case management order may be made either at a hearing or presented in writing to the Tribunal.

(2) Where a party applies in writing, they shall notify the other parties that any objections to the application should be sent to the Tribunal as soon as possible.

(3) The Tribunal may deal with such an application in writing or order that it be dealt with at a preliminary or final hearing.

Postponements

30A.

(1) An application by a party for the postponement of a hearing shall be presented to the Tribunal and communicated to the other parties as soon as possible after the need for a postponement becomes known.

(2) Any application presented less than 7 days before the relevant hearing or made at the hearing itself shall only be granted in exceptional circumstances.

(3) Where a party has been granted, on their application, two previous postponements of hearings in the same claim (or claims being heard concurrently by the Tribunal), any further applications for a postponement shall only be granted in exceptional circumstances.

(4) Paragraphs (2) and (3) do not apply where –

a) the Tribunal considers that the postponement application was necessitated by an act or omission of the Tribunal or another party to the claim; or

b) the parties are agreed on the need for a postponement and the Tribunal considers that it should be granted for the purposes of giving the opportunity for the parties to resolve their disputes by agreement.

(5) For the purposes of this rule “postponement” includes any postponement or adjournment which results in the relevant hearing being rescheduled to a future date or dates.

When a costs order or a preparation time order may or shall be made

76.—(1) A Tribunal may make a costs order or a preparation time order, and shall consider whether to do so, where it considers that—

(a) a party (or that party’s representative) has acted vexatiously, abusively, disruptively or otherwise unreasonably in either the bringing of the proceedings (or part) or the way that the proceedings (or part) have been conducted; or

(b) any claim or response had no reasonable prospect of success; **or**

(c) a hearing has been postponed or adjourned on the application of a party made less than 7 days before the relevant hearing.

(2) A Tribunal may also make such an order where a party has been in breach of any order or practice direction or where a hearing has been postponed or adjourned on the application of a party.

(3) Where in proceedings for unfair dismissal a final hearing is postponed or adjourned, the

Tribunal shall order the respondent to pay the costs incurred as a result of the postponement or adjournment if—

(a) the claimant has expressed a wish to be reinstated or re-engaged which has been communicated to the respondent not less than 7 days before the hearing; and

(b) the postponement or adjournment of that hearing has been caused by the respondent’s failure, without a special reason, to adduce reasonable evidence as to the availability of the job from which the claimant was dismissed or of comparable or suitable employment.

(4) A Tribunal may make a costs order of the kind described in rule 75(1)(b) where a party has paid a Tribunal fee in respect of a claim, employer’s contract claim or application and that claim, counterclaim or application is decided in whole, or in part, in favour of that party.

(5) A Tribunal may make a costs order of the kind described in rule 75(1)(c) on the application of a party or the witness in question, or on its own initiative, where a witness has attended or has been ordered to attend to give oral evidence at a hearing.

Annex C: Summary of Costs to an Employer relating to an Employment Tribunal hearing

	Median cost related to all outcomes
Cost of Time spent on case Directors and senior staff	£582.48 ¹
Cost of Time spent on case (other staff)	£188.48 ²
Costs for advice and representation post ET1	£2,182 ³
Total cost	£2,952.96
Total cost rounded to nearest £100	£2,953
Average Time Spent on Case (in Days)	5
Average Length of Tribunal (in Days)	1
Cost for Tribunal Hearing	£590.59

¹ (20.60*1.178)*8hrs*3days (SETA assumes 8 hours per day)

² (10.00*1.178)*8hrs*2days (SETA assumes 8 hours per day)

³ Averaged to adjust for those that do not use representation

Annex D : Employment Tribunals Postponements Consultation Response Form

A copy of the consultation document can be found at:

<https://www.gov.uk/government/consultations>

You can complete your response online through Citizen Space

[On Line Survey](#)

Alternatively, you can e-mail, post or fax this completed response form to

Debbie Fox
Department of Business, Innovation and Skills
Labour Market Directorate
1 Victoria Street
London SW1H 0ET
Tel: 020 7215 2929
Email: debbie.fox@bis.gsi.gov.uk

The Department may, in accordance with the Code of Practice on Access to Government Information, make available, on public request, individual responses.

The closing date for this consultation is 12 March 2015

Your details:

Name:

Organisation (if applicable)

Address

Telephone

Please tick the boxes below that describe you as the respondent to this consultation.

<input type="checkbox"/>	Business representative organisation/trade body
<input type="checkbox"/>	Central government
<input type="checkbox"/>	Charity or social enterprise
<input type="checkbox"/>	Individual
<input type="checkbox"/>	Large business (over 250 staff)
<input type="checkbox"/>	Legal representative
<input type="checkbox"/>	Local Government
<input type="checkbox"/>	Medium business (50 to 250 staff)
<input type="checkbox"/>	Micro business (up to 9 staff)
<input type="checkbox"/>	Small business (10 to 49 staff)
<input type="checkbox"/>	Trade union or staff association
<input type="checkbox"/>	Other (please describe)

Limit to the number of postponements

QUESTION 1:

Is a limit of 2 successful postponement applications per party, per case, appropriate?

Yes No

Please provide your reasons.

[Click here to enter text.](#)

Time limit for postponement applications

QUESTION 2:

Is a deadline for postponement applications of ‘no less than 7 days before the Employment Tribunal hearing’ reasonable?

Yes No

Please provide your reasons.

[Click here to enter text.](#)

Exemptions to the new rules on postponements

QUESTION 3:

Do you agree with the two specified exemptions to the new rules on postponements?

Yes No

Please provide your reasons.

[Click here to enter text.](#)

Use of Costs Orders and Preparation Time Orders

QUESTION 4:

Do you agree that a postponement or adjournment granted less than 7 days before the Tribunal hearing should be regarded as ‘late’ for the purposes of considering a Costs Order or Preparation Time Order?

Yes No

Please provide your reasons.

[Click here to enter text.](#)

Information on Cost of Postponements to Parties

QUESTION 5:

Do you agree with the basis of the cost elements that have been identified due to a postponement?

Yes No

Please explain.

[Click here to enter text.](#)

QUESTION 6:

Do you have any evidence to clarify whether the cost of a postponement to any party changes if 2 or more postponements have already been granted?

Yes No

Please explain.

[Click here to enter text.](#)

QUESTION 7:

Do you have any evidence to clarify whether the cost of a postponement to any party changes if the postponement is requested less than 7 days prior to a hearing?

Yes No

Please explain.

[Click here to enter text.](#)

QUESTION 8:

Do you believe that setting the deadline for postponements at 7 days prior to hearing (unless there are exceptional circumstances) will cause any party to incur additional costs?

Yes No

Please explain.

[Click here to enter text.](#)

Potential Impact on People with Protected Characteristics

QUESTION 9:

Can you identify any particular impacts that the proposed changes to the Rules of Procedure for postponements would have, on people with Protected Characteristics as defined in the Equality Act 2010?

Yes No

Please provide your reasons.

[Click here to enter text.](#)

QUESTION 10:

Can you identify any additional costs associated with a Tribunal postponement that would be incurred by people with Protected Characteristics?

Yes No

Please provide your reasons.

[Click here to enter text.](#)

Do you have any other comments that might aid the consultation process as a whole?

[Click here to enter text.](#)

Thank you for taking the time to let us have your views. We do not intend to acknowledge receipt of individual responses unless you tick the box below.

Please acknowledge this reply

At BIS we carry out our research on many different topics and consultations. As your views are valuable to us, would it be okay if we were to contact you again from time to time either for research or to send through consultation documents?

Yes No

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