

Employment Tribunals (Representation and Assistance in Discrimination Proceedings) Bill

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Make provision about representation of and assistance to complainants in discrimination proceedings before employment tribunals and the Employment Appeal Tribunal; to establish and confer functions upon the Tribunal Representation and Assistance Board; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Constitution and funding of the Board

1 Tribunal Representation and Assistance Board

- (1) There shall be a body known as the Tribunal Representation and Assistance Board (referred to in this Act as “the Board”).
- (2) Schedule 1 (which makes provision about the Board’s constitution and related matters) has effect. 5

2 Principal duties and functions of the Board

- (1) The principal duties of the Board shall be to—
 - (a) to ensure that assistance and representation are available to all eligible complainants in—
 - (i) proceedings to which this Act applies, and
 - (ii) relevant activities preparatory to such proceedings,so as to provide that there is equality of arms in those proceedings;
 - (b) to ensure that assistance and representation are available to eligible complainants wherever practicable from accredited bodies; and 10
 - (c) to ensure that assistance and representation are provided to eligible complainants at the lowest cost commensurate with the fulfilment of the objective set out in paragraph (a). 15
- (2) The Board shall have the functions of—

- (a) accrediting bodies and monitoring the provision of assistance and representation by accredited bodies or otherwise in accordance with the provisions of section 4;
- (b) securing the provision of assistance and representation in designated areas by accredited bodies or otherwise in accordance with the provisions of section 5; 5
- (c) issuing and revising codes of practice on the operation of this Act in accordance with the provisions of section 6; and
- (d) promoting awareness of the provisions of this Act amongst persons likely to be affected by them. 10
- (3) The Board may, for any purpose connected with the performance of its functions –
- (a) make proposals or give other advice to any Minister of the Crown as to any aspect of the law or a proposed change to the law,
- (b) make proposals or give advice to any public authority as to the practical application of any law, 15
- (c) undertake, or arrange for or support (whether financially or otherwise), the carrying out of research or the provision of advice or information.
- (4) Nothing in subsection (3) is to be regarded as limiting the Board’s powers.
- (5) The Board may make charges for facilities or services made available by it for any purpose. 20
- (6) In this section –
- “assistance” has its wider meaning;
- “the law” includes Community law and the international obligations of the United Kingdom; 25
- “public authority” has the same meaning as in section 6 of the Human Rights Act 1998 (c. 42) (acts of public authorities).
- 3 Funding of the Board**
- (1) At least three months before the beginning of each relevant financial year, the Board shall prepare and send to the Lord Chancellor an estimate of its funding needs for that financial year. 30
- (2) An estimate prepared under subsection (1) shall specify the needs in relation to each of the functions of the Board set out in section 2(2) and the overall funding needs of the Board.
- (3) *It shall be the duty of the Lord Chancellor to secure that there is paid to the Board out of money provided by Parliament in respect of each financial year an amount that is equal to or greater than the total funding needs of the Board contained in the estimate relating to that financial year prepared under subsection (1).* 35
- (4) *In pursuance of his duty under subsection (3), the Lord Chancellor may direct –*
- (a) *the Secretary of State,*
- (b) *the Commission for Racial Equality,*
- (c) *the Disability Rights Commission,*
- (d) *the Equal Opportunities Commission,*
- to pay to the Board such amounts as may be specified in the direction.* 40

- (5) In this section, “relevant financial year” means each financial year referred to in paragraph 15(7)(b) of Schedule 1.

Accreditation and provision of assistance and representation

4 Accreditation and monitoring

- (1) The Board shall accredit bodies that may tender for the provision of assistance and representation in a designated area under section 5. 5
- (2) The system of accreditation shall include provision for the monitoring of the services provided by accredited bodies or otherwise and for the withdrawal of accreditation from any bodies providing services of an unsatisfactory quality.
- (3) The Board shall set and monitor standards in relation to the provision of assistance and representation by an accredited body or otherwise under section 5. 10
- (4) Standards under subsection (3) shall in particular to be set so as to secure that accredited bodies do not obtain or seek to obtain a profit from the provision of assistance and representation under section 5. 15

5 Assistance and representation provided by accredited bodies or otherwise

- (1) The Board shall invite tenders for the provision in each designated area by an accredited body of assistance and representation to all eligible complainants in – 20
- (a) proceedings to which this Act applies, and
- (b) relevant activities preparatory to such proceedings.
- (2) Invitations to tender under subsection (1) shall – 25
- (a) be published in such form as the Board considers appropriate,
- (b) specify the period for which the functions specified in subsection (1) are to be provided in a designated area,
- (c) require accredited bodies to provide such other information as the Board considers necessary for the purpose of enabling it to come to a decision under subsection (3).
- (3) The Board shall (subject to subsection (5)(b)) select an accredited body to carry out the functions specified in subsection (1) in a designated area from amongst those who have responded to the invitation to tender. 30
- (4) Where an accredited body has been selected under subsection (3), the Board shall – 35
- (a) make such arrangements as it considers appropriate for the purpose of enabling the accredited body to carry out the functions specified in subsection (1) in the designated area,
- (b) *in particular, make arrangements for the payment to the accredited body of such amounts as are reasonably incurred by that accredited body in carrying out those functions, and*
- (c) monitor the performance of those functions by the accredited body in accordance with section 4. 40
- (5) Where –

- (a) no responses by accredited bodies to an invitation to tender are received in respect of a designated area, or
- (b) the Board is not satisfied that it is appropriate to select any of the accredited bodies that have responded to carry out the functions specified in subsection (1) in a designated area, 5
- the Board shall secure the performance of the functions specified in subsection (1) in that designated area otherwise than by an accredited body, having regard to its principal duties under section 2(1).
- (6) For the purposes of subsection (5), the Board may – 10
- (a) make such arrangements as it considers appropriate for the purpose of enabling bodies or persons to carry out the functions specified in subsection (1) in the designated area,
- (b) *in particular, make arrangements for the payment to bodies or persons of such amounts as are reasonably incurred by bodies or persons in carrying out those functions, and* 15
- (c) monitor the performance of those functions by bodies or persons in accordance with section 4.
- (7) Where the Board is satisfied that the performance of functions by an accredited body or another body or person is unsatisfactory, the Board may terminate any arrangement under subsection (4) or (6). 20
- (8) The Board shall designate areas for the purposes of this section (to be known as “designated areas”), having regard to the desirability of ensuring that, wherever practicable, the areas so designated are the areas for the time being designated for the purpose of determining the jurisdiction of tribunals.

General provisions about the Board 25

6 Codes of practice

- (1) The Board shall prepare and issue codes of practice for the purpose of giving practical guidance to accredited bodies and other bodies and persons carrying out functions under this Act.
- (2) The Board shall deal in particular under subsection (1) with the determination of whether or not a person is an eligible complainant. 30
- (3) The Board shall –
- (a) keep any code of practice under this section under review, and
- (b) prepare a revised code of practice when appropriate.
- (4) Before preparing a code of practice under this section, the Board shall consult – 35
- (a) the Commission for Racial Equality,
- (b) the Disability Rights Commission,
- (c) the Equal Opportunities Commission,
- (d) the Lord Chancellor, and 40
- (e) such other bodies and persons as appear to the Board to be appropriate.
- (5) The Board shall publish a code of practice issued under this section in such a way as, in its opinion, is likely to bring the code of practice to the attention of those interested.

7 Agency arrangements and provision of services

- (1) Arrangements may be made between the Authority and the bodies specified in subsection (2) for—
 - (a) any functions of the Board to be carried out by, or by members of staff of, one of those bodies, or 5
 - (b) the provision by one of those bodies of administrative, professional or technical services to the Board.
- (2) Those bodies are—
 - (a) the Commission for Racial Equality,
 - (b) the Disability Rights Commission, and 10
 - (c) the Equal Opportunities Commission.
- (3) Arrangements under subsection (1)(a) shall not affect responsibility for the carrying out of the Board's functions.

8 Annual report

- (1) As soon as practicable after the end of each financial year, the Board shall prepare a report in respect of its activities during that financial year. 15
- (2) The Authority shall send each report under this section to—
 - (a) the Lord Chancellor, and
 - (b) the Secretary of State,as soon as practicable after the end of the period to which the report relates. 20
- (3) The Lord Chancellor shall lay a copy of each report received by him under this section before each House of Parliament.
- (4) In this section, "financial year" has the meaning given by paragraph 15(7) of Schedule 1.

9 Duties in relation to carrying out functions

- (1) The Board shall carry out its functions effectively, efficiently and economically. 25
- (2) In carrying out its functions, the Board must, so far as relevant, have regard to the principles of best regulatory practice (including the principles under which regulatory activities should be transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed). 30

10 Consequential amendments

Schedule 2 (which makes consequential amendments of other Acts) has effect.

*Interpretative provisions***11 Proceedings to which this Act applies and relevant preparatory activities**

- (1) This Act applies to proceedings— 35
 - (a) before a tribunal in respect of a complaint under—
 - (i) section 2 of the 1970 Act (disputes as to, and enforcement of, requirement for equal treatment),

- (ii) section 63 of the 1975 Act (jurisdiction of employment tribunals),
 - (iii) section 54 of the 1976 Act (jurisdiction of employment tribunals),
 - (iv) section 17A of the 1995 Act (enforcement, remedies and procedure), 5
 - (v) Regulation 28 of the Religion or Belief Regulations (jurisdiction of employment tribunals), and
 - (vi) Regulation 28 of the Sexual Orientation Regulations (jurisdiction of employment tribunals); and 10
 - (b) on an appeal to the Appeal Tribunal arising from any decision of, or arising in any proceedings before, a tribunal in respect of a matter referred to in paragraph (a).
- (2) For the purposes of subsection (1)(a), “proceedings” before a tribunal includes proceedings under a conciliation procedure prescribed under regulations made under section 19 of the 1996 Act (conciliation procedure). 15
- (3) In this Act, “relevant activities preparatory to proceedings to which this Act applies” means –
- (a) reaching a decision on whether to institute proceedings to which this Act applies, and 20
 - (b) considering actions as an alternative to the institution of such proceedings.

12 Meaning of “eligible complainant”

- (1) In this Act, “eligible complainant” means a person who meets each of the conditions specified in subsections (2) to (5). 25
- (2) The condition specified in this subsection is that the person is –
- (a) undertaking relevant activities preparatory to proceedings to which this Act applies in which he would be the complainant,
 - (b) making a complaint under one of the provisions specified in section 11(1)(a)(i) to (vi), or 30
 - (c) instituting or pursuing proceedings on an appeal to the Appeal Tribunal arising from any decision of, or arising in any proceedings before, a tribunal in respect of a matter referred to in paragraph (b).
- (3) The condition specified in this subsection is that the person is not –
- (a) making a complaint under one of the provisions specified in section 11(1)(a)(i) to (iv), and 35
 - (b) receiving assistance under a provision specified in subsection (6).
- (4) The condition specified in this subsection is that the person is not receiving assistance from a trade union in making his complaint or instituting proceedings. 40
- (5) The condition specified in this subsection is that the person has requested representation or assistance or both.
- (6) The provisions specified in this subsection are –
- (a) section 75 of the 1975 Act (assistance by Equal Opportunities Commission), 45

- (b) section 66 of the 1976 Act (assistance by Commission for Racial Equality), or
- (c) section 7 of the 1999 Act (assistance in relation to proceedings by Disability Rights Commission).

13 Wider meaning of “assistance”

5

For the purposes of this Act, the wider meaning of “assistance” may include—

- (a) giving advice;
- (b) procuring or attempting to procure the settlement of any matter in dispute;
- (c) arranging for the giving of advice or assistance by a solicitor, counsel or advocate; 10
- (d) arranging for representation by any person, including all such assistance as is usually given by a solicitor, counsel or advocate in the steps preliminary or incidental to any proceedings, or in arriving at or giving effect to a compromise to avoid or bring to an end any proceedings; 15
- (e) any other form of assistance which the body giving the assistance may consider appropriate; and
- (f) *the payment of—*
 - (i) *any deposit that may be required by a tribunal under regulations under section 9(2)(a) of the 1996 Act (pre-hearing reviews and preliminary matters),* 20
 - (ii) *any costs or expenses that fall to be made under regulations under section 13 of that Act (costs and expenses: tribunal),*
 - (iii) *any costs or expenses that fall to be made under section 34 of that Act (costs and expenses: Appeal Tribunal),* 25
 - (iv) *the reasonable costs of an eligible complainant in complying with any order of a tribunal issued under rule 28 of Schedule 1 to the Employment Tribunal Regulations other than a costs or expenses order, or* 30
 - (v) *the reasonable travel expenses of an eligible complainant for attendance at proceedings of a tribunal or of the Appeal Tribunal in respect of his complaint.*

14 General interpretation

In this Act— 35

- “the 1970 Act” means the Equal Pay Act 1970 (c. 41);
- “the 1975 Act” means the Sex Discrimination Act 1975 (c. 65);
- “the 1976 Act” means the Race Relations Act 1976 (c. 74);
- “the 1995 Act” means the Disability Discrimination Act 1995 (c. 50);
- “the 1996 Act” means the Employment Tribunals Act 1996 (c. 17); 40
- “the 1999 Act” means the Disability Rights Commission Act 1999 (c. 17);
- “accredited bodies” means bodies accredited in accordance with the provisions of section 4;
- “the Appeal Tribunal” means the Employment Appeal Tribunal provided for under Part 2 of the 1996 Act; 45
- “assistance”, when used with its wider meaning, has the meaning given by section 13;

“the Board” means the Tribunal Representation and Assistance Board established under section 1;	
“the Commission for Racial Equality” has the meaning given by Part 7 of the 1976 Act;	
“designated areas” means areas designated in accordance with the provisions of section 5(8);	5
“the Disability Rights Commission” has the meaning given by the 1999 Act;	
“eligible complainant” has the meaning given by section 12;	
“the Employment Tribunal Regulations” means the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004 (S.I. 2004/1861);	10
“the Equal Opportunities Commission” has the meaning given by Part 6 of the 1975 Act;	
“proceedings to which this Act applies” has the meaning given by section 11(1);	15
“relevant activities preparatory to proceedings to which this Act applies” has the meaning given by section 11(3);	
“the Religion or Belief Regulations” means the Employment Equality (Religion or Belief) Regulations 2003 (S.I. 2003/1660);	20
“the Sexual Orientation Regulations” means the Employment Equality (Sexual Orientation) Regulations 2003 (S.I. 2003/1661);	
“tribunal” means an employment tribunal established under regulations under section 1(1) of the 1996 Act (employment tribunals).	

Miscellaneous and final provisions 25

15 Expenses

There shall be paid out of money provided by Parliament –

- | | |
|---|----|
| (a) any expenditure incurred by a Minister of the Crown in consequence of this Act, and | |
| (b) any increase attributable to this Act in the sums payable out of money so provided under any other Act. | 30 |

16 Short title, commencement and extent

- | | |
|---|----|
| (1) This Act may be cited as the Employment Tribunals (Representation and Assistance in Discrimination Proceedings) Act 2005. | |
| (2) This Act shall come into force at the end of a period of two months beginning with the day on which this Act is passed. | 35 |
| (3) Subject to the provisions of subsection (4), this Act does not extend to Northern Ireland. | |
| (4) Any amendment made by Schedule 2 has the same extent as the enactment to which it relates. | 40 |

SCHEDULES

SCHEDULE 1

Section 1

CONSTITUTION, ETC., OF THE BOARD

Status

- 1 (1) The Board is a body corporate. 5
- (2) The Board is not the servant or agent of the Crown, it does not enjoy any status, immunity or privilege of the Crown and its property is not to be regarded as property of or as held on behalf of the Crown.

Membership

- 2 (1) The Board shall consist of members appointed in accordance with the provisions of this paragraph. 10
- (2) Each of the following shall appoint one member of the Board from amongst its members –
- (a) the Commission for Racial Equality,
 - (b) the Disability Rights Commission, and 15
 - (c) the Equal Opportunities Commission.
- (3) The bodies specified in sub-paragraph (2) shall exercise their powers of appointment under this section so as to secure that, at any time, at least one of the members of the Board appointed by them is a disabled person or a person who has a disability. 20
- (4) Three members of the Board shall be chosen by the Commissioner for Public Appointments on merit from amongst ten persons whose names have been chosen by lot from amongst persons who have –
- (a) brought proceedings to which this Act applies, and
 - (b) applied for membership of the Board. 25
- (5) Five members of the Board shall be chosen by the members of the Board appointed in accordance with the preceding provisions of this paragraph from amongst persons applying for membership and participating in a public recruitment exercise overseen at all stages by the Commissioner for Public Appointments. 30
- 3 The Chairman of the Board shall be elected by the Board from amongst its members.

Disqualification

- 4 (1) A person is disqualified for being appointed as chairman or other member of the Board if – 35

- (a) he is the subject of a bankruptcy restrictions order or interim order,
 (b) a bankruptcy order has been made against him by a court in Northern Ireland, his estate has been sequestrated by a court in Scotland or, under the law of Northern Ireland or Scotland, he has made a composition or arrangement with, or granted a trust deed for, his creditors, or 5
 (c) in the last five years he has been convicted in the United Kingdom, the Channel Islands or the Isle of Man of an offence and has had a qualifying sentence passed on him.
- (2) Where a person is disqualified under sub-paragraph (1)(b) because a bankruptcy order has been made against him or his estate has been sequestrated, the disqualification shall cease – 10
 (a) on his obtaining a discharge, or
 (b) if the bankruptcy order is annulled or the sequestration of his estate is recalled or reduced, on the date of that event. 15
- (3) Where a person is disqualified under sub-paragraph (1)(b) because of his having made a composition or arrangement with, or granted a trust deed for, his creditors, the disqualification shall cease –
 (a) at the end of the period of five years beginning with the date on which the terms of the deed of composition or arrangement or trust deed are fulfilled, or 20
 (b) if, before then, he pays his debts in full, on the date on which the payment is completed.
- (4) For the purposes of sub-paragraph (1)(c), the date of conviction shall be taken to be the ordinary date on which the period allowed for making an appeal or application expires or, if an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of its non-prosecution. 25
- (5) In sub-paragraph (1)(c), the reference to a qualifying sentence is to a sentence of imprisonment for a period of not less than three months (whether suspended or not) without the option of a fine. 30

Tenure of office

- 5 Subject to the provisions of paragraphs 6 to 8, the members of the Board shall hold office for a period of four years.
- 6 A person holding office as a member of the Board may resign that office by giving notice in writing to the Chairman of the Board or, if that person is the Chairman, to another member of the Board designated by the Board for that purpose. 35
- 7 A person holding office as a member of the Board shall cease to hold that office if he ceases to be qualified for appointment to it by reason of paragraph 4. 40
- 8 A person holding office as a member of the Board may be removed from office by a decision of the Board if the Board is satisfied that the member of the Board concerned –
 (a) has been absent from meetings of the Board for six consecutive months, or longer, without the permission of the Board, or 45
 (b) is unable or unfit to carry out his functions as a member of the Board.

- 9 (1) The chairman shall be elected for a period of three years.
- (2) A person may be elected on more than one occasion to the position of chairman, but may not be elected for more than two successive periods of three years.
- (3) A person may be removed from office as chairman by a decision of the Board if he is unable or unfit to carry out his functions as chairman. 5

Remuneration, pensions etc. of members

- 10 (1) *The Board may pay to the chairman or any of the other members of the Board such remuneration as the Lord Chancellor may determine.*
- (2) *The Board may pay, or make provision for paying, to or in respect of the chairman or any of the other members of the Board such pensions, allowances, fees, expenses or gratuities as the Lord Chancellor may determine.* 10
- (3) *The Board may make a payment to a person who ceases to hold office as chairman or other member of the Board otherwise than on the expiry of his term of office if it appears to the Lord Chancellor that there are special circumstances which make it right for that person to receive compensation.* 15
- (4) *A payment under sub-paragraph (3) shall be of such amount as the Lord Chancellor may determine.*

Staff

- 11 *The Board may appoint such staff as it considers appropriate, on such terms and conditions as it may determine.* 20

Proceedings

- 12 Subject to any provision of this Act, the Board may regulate its own procedure (including quorum).
- 13 The validity of any proceedings of the Board shall not be affected by – 25
- (a) any vacancy in the office of –
- (i) chairman,
- (ii) a member to be appointed by a particular provision of paragraph 2,
- (b) any defect in a person’s appointment as chairman or other member, 30
or
- (c) the composition for the time being of the membership of the Board.

Members’ interests

- 14 (1) The Board shall establish and maintain a system for the declaration and registration of private interests of its members. 35
- (2) The Board shall publish entries recorded in the register of members’ interests.

Accounts and audit

- 15 (1) The Board shall keep proper accounts and proper records in relation to its accounts. 40

- (2) The Board shall prepare a statement of accounts in respect of each of its financial years.
- (3) Any such statement of accounts must comply with any directions given by the Lord Chancellor with the approval of the Treasury as to –
- (a) the information to be contained in the statement, 5
 - (b) the manner in which that information is to be presented, and
 - (c) the methods and principles according to which the statement is to be prepared.
- (4) The Board shall send a copy of each statement of accounts required by sub-paragraph (2) to – 10
- (a) the Lord Chancellor,
 - (b) the Secretary of State, and
 - (c) the Comptroller and Auditor General,
- before the end of such period after the end of the financial year to which the statement relates as the Lord Chancellor may specify by notice given to the Board. 15
- (5) The Comptroller and Auditor General shall –
- (a) examine, certify and report on each statement of accounts received by him under sub-paragraph (4)(c), and
 - (b) lay a copy of each such statement of accounts, and of his report on it, before each House of Parliament. 20
- (6) The power under sub-paragraph (3) to give directions includes power to vary or revoke directions given in previous exercise of the power.
- (7) In this paragraph, “financial year” means –
- (a) the period beginning with the date on which the Board is established and ending with the next 31st March, and 25
 - (b) each successive period of 12 months ending with 31st March.

Instruments

- 16 The application of the seal of the Board shall be authenticated by the signature of any member of the Board or of any other person who has been authorised for the purpose by the Board, whether generally or specially. 30
- 17 A document purporting –
- (a) to be duly executed under the seal of the Board, or
 - (b) to be signed on its behalf,
- shall be received in evidence and be taken, without further proof, to be so executed or signed unless the contrary is shown. 35

Supplementary powers

- 18 The Board may do anything which is calculated to facilitate, or is conducive or incidental to, the carrying out of its functions, but may not borrow money.
- 19 The Board may delegate any of its functions (to such extent as it may determine) – 40
- (a) to any member of the Board,
 - (b) to any member of staff of the Board, or
 - (c) to a committee consisting of persons each of whom is –

- (i) a member of the Board, or
- (ii) a member of the staff of the Board.

SCHEDULE 2

Section 10

CONSEQUENTIAL AMENDMENTS

<i>Public records</i>	5
1 In Schedule 1 to the Public Records Act 1958 (c. 51) (definition of public records), in Part 2 of the Table at the end of paragraph 3, at the appropriate place, insert the following entry – “Tribunal Representation and Assistance Board.”	
<i>Investigation by Parliamentary Commissioner</i>	10
2 In Schedule 2 to the Parliamentary Commissioner Act 1967 (c. 13) (departments and authorities subject to investigation), at the appropriate place, insert the following entry – “Tribunal Representation and Assistance Board.”	
<i>House of Commons Disqualification</i>	15
3 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (bodies of which all members are disqualified), at the appropriate place, insert the following entry – “Tribunal Representation and Assistance Board.”	
<i>Northern Ireland Assembly Disqualification</i>	20
4 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (c. 25) (bodies of which all members are disqualified), at the appropriate place, insert the following entry – “Tribunal Representation and Assistance Board.”	
<i>Race relations: general statutory duty</i>	25
5 In Schedule 1A to the 1976 Act (bodies subject to general statutory duty), under the heading “Other Bodies, Etc”, at the appropriate place, insert the following entry – “The Tribunal Representation and Assistance Board.”	
<i>Freedom of Information</i>	30
6 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (c. 36) (public authorities), at the appropriate place, insert the following entry – “Tribunal Representation and Assistance Board.”	
<i>Bankruptcy</i>	
7 (1) Paragraphs 4(1)(b), (2) and (3) of Schedule 1 shall be taken to be within the definition of “provision” in section 268 of the Enterprise Act 2002 (c. 40)	35

(power to remove bankruptcy disqualifications under pre-8th November 2002 provisions or extend them to, or replace them with disqualifications of, persons subject to bankruptcy restrictions regimes).

- (2) In its application by virtue of sub-paragraph (1), section 268 of the Enterprise Act 2002 (c. 40) shall have effect with the following modifications – 5
- (a) subsections (5)(d), (6) to (8) and (15) (power to make application of disqualification provision subject to person’s discretion) are omitted, and
 - (b) for subsection (13) (order under section to be made by statutory instrument after parliamentary approval of a draft) there is substituted – 10
- “(13) An order under this section –
- (a) must be made by statutory instrument,
 - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.” 15

Employment Tribunals (Representation and Assistance in Discrimination Proceedings) Bill

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B I L L

To make provision about representation of and assistance to complainants in discrimination proceedings before employment tribunals and the Employment Appeal Tribunal; to establish and confer functions upon the Tribunal Representation and Assistance Board; and for connected purposes.

*Presented by Mr Marsha Singh
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