



Employment Tribunals Act 1996

1996 CHAPTER 17

PART II

THE EMPLOYMENT APPEAL TRIBUNAL

Procedure

33 Restriction of vexatious proceedings.

- (1) If, on an application made by the Attorney General or the Lord Advocate under this section, the Appeal Tribunal is satisfied that a person has habitually and persistently and without any reasonable ground—
- instituted vexatious proceedings, whether [^{F1}before the Certification Officer,] in an [^{F2}employment tribunal] or before the Appeal Tribunal, and whether against the same person or against different persons, or
 - made vexatious applications in any proceedings, whether [^{F3}before the Certification Officer,] in an [^{F2}employment tribunal] or before the Appeal Tribunal,

the Appeal Tribunal may, after hearing the person or giving him an opportunity of being heard, make a restriction of proceedings order.

- (2) A “restriction of proceedings order” is an order that—
- no proceedings shall without the leave of the Appeal Tribunal be instituted [^{F4}before the Certification Officer,] in any [^{F2}employment tribunal] or before the Appeal Tribunal by the person against whom the order is made,
 - any proceedings instituted by him [^{F5}before the Certification Officer,] in any [^{F2}employment tribunal] or before the Appeal Tribunal before the making of the order shall not be continued by him without the leave of the Appeal Tribunal, and
 - no application (other than one for leave under this section) is to be made by him in any proceedings [^{F6}before the Certification Officer,] in any [^{F2}employment tribunal] or before the Appeal Tribunal without the leave of the Appeal Tribunal.

Changes to legislation: There are outstanding changes not yet made by the [legislation.gov.uk](https://www.legislation.gov.uk) editorial team to Employment Tribunals Act 1996. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (3) A restriction of proceedings order may provide that it is to cease to have effect at the end of a specified period, but otherwise it remains in force indefinitely.
- (4) Leave for the institution or continuance of, or for the making of an application in, any proceedings [^{F7}before the Certification Officer,] in an [^{F2}employment tribunal] or before the Appeal Tribunal by a person who is the subject of a restriction of proceedings order shall not be given unless the Appeal Tribunal is satisfied—
- (a) that the proceedings or application are not an abuse of the [^{F8}process] , and
 - (b) that there are reasonable grounds for the proceedings or application.
- (5) A copy of a restriction of proceedings order shall be published in the London Gazette and the Edinburgh Gazette.

Textual Amendments

- F1** Words in s. 33(1)(a) inserted (6.4.2005) by [Employment Relations Act 2004 \(c. 24\)](#), **ss. 49(2)**, 59; S. I. 2005/872, **art. 4**, **Sch.** (with **arts. 5-21**)
- F2** Words in s. 33(1)(2)(b)(c)(4) substituted (1.8.1998) by [1998 c. 8](#), **s. 1(2)(a)** (with s. 16(2)); S.I. 1998/1658, **art. 2(1)**, **Sch. 1**
- F3** Words in s. 33(1)(b) inserted (6.4.2005) by [Employment Relations Act 2004 \(c. 24\)](#), **ss. 49(3)**, 59; S. I. 2005/872, **art. 4**, **Sch.** (with **arts. 5-21**)
- F4** Words in s. 33(2)(a) inserted (6.4.2005) by [Employment Relations Act 2004 \(c. 24\)](#), **ss. 49(4)**, 59; S. I. 2005/872, **art. 4**, **Sch.** (with **arts. 5-21**)
- F5** Words in s. 33(2)(b) inserted (6.4.2005) by [Employment Relations Act 2004 \(c. 24\)](#), **ss. 49(5)**, 59; S. I. 2005/872, **art. 4**, **Sch.** (with **arts. 5-21**)
- F6** Words in s. 33(2)(c) inserted (6.4.2005) by [Employment Relations Act 2004 \(c. 24\)](#), **ss. 49(6)**, 59; S. I. 2005/872, **art. 4**, **Sch.** (with **arts. 5-21**)
- F7** Words in s. 33(4) inserted (6.4.2005) by [Employment Relations Act 2004 \(c. 24\)](#), **ss. 49(7)(a)**, 59; S. I. 2005/872, **art. 4**, **Sch.** (with **arts. 5-21**)
- F8** Words in s. 33(4) substituted (6.4.2005) by [Employment Relations Act 2004 \(c. 24\)](#), **ss. 49(7)(b)**, 59; S. I. 2005/872, **art. 4**, **Sch.** (with **arts. 5-21**)

Modifications etc. (not altering text)

- C1** S. 33: transfer of functions (6.5.1999) by [S.I. 1999/901](#), **arts. 4-8**, **Sch.**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 7A(2F) inserted by [2022 c. 35 Sch. 4 para. 1\(2\)](#)
- s. 7B(A1) inserted by [2022 c. 35 Sch. 5 para. 4\(2\)](#)
- s. 9(2ZA) inserted by [2022 c. 35 Sch. 5 para. 5\(5\)](#)
- s. 9(5) inserted by [2022 c. 35 Sch. 5 para. 5\(9\)](#)
- s. 10(10) inserted by [2022 c. 35 Sch. 5 para. 6\(4\)](#)
- s. 29A(11) inserted by [2022 c. 35 Sch. 4 para. 1\(3\)](#)
- s. 30A inserted by [2022 c. 35 Sch. 5 para. 19](#)
- s. 37QA and cross-heading inserted by [2022 c. 35 s. 34\(4\)](#)
- s. 37QB inserted by [2022 c. 35 Sch. 5 para. 24](#)
- Sch. A1 para. 21A inserted by [2022 c. 35 Sch. 4 para. 1\(4\)](#)
- Sch. A1 inserted by [2022 c. 35 Sch. 5 para. 1](#)