

*These notes refer to the Employment Relations Act 2004
(c.24) which received Royal Assent on 16 September 2004*

EMPLOYMENT RELATIONS ACT 2004

EXPLANATORY NOTES

COMMENTARY

Part 5: the Certification Officer

Sections 48 and 49

Restriction of proceedings orders: proceedings before the Certification Officer

342. *Section 49(1) to (7)* amend section 33 of the Employment Tribunals Act 1996 (“the 1996 Act”). Section 33 of the 1996 Act sets out the circumstances in which the EAT may make a “restriction of proceedings” order. Such an order prevents vexatious litigants, in the main, from instituting further proceedings before employment tribunals or the EAT, without the permission of the EAT.
343. *Subsections (1) to (7)* insert references to the CO into the current provisions of section 33 of the 1996 Act. This permits the EAT to take into account vexatious proceedings and behaviour before the CO (as well as before employment tribunals and the EAT) when deciding whether to make a restriction of proceedings order. It also has the effect that person subject to a restriction of proceedings order is prevented from bringing proceedings before the CO without the leave of the EAT.