



Employment Tribunals Act 1996

1996 CHAPTER 17

^{F1}PART I

^{F1}EMPLOYMENT TRIBUNALS]

Conciliation

^{F1}19A Conciliation: recovery of sums payable under ^{F2} settlements]

- (1) Subsections (3) to (6) apply if—
 - (a) a conciliation officer—
 - (i) has taken action under ^{F3} any of sections 18A to 18C] in a case, and
 - (ii) issues a certificate in writing stating that a ^{F4} settlement] has been reached in the case, and
 - (b) all of the terms of the ^{F4} settlement] are set out—
 - (i) in a single relevant document, or
 - (ii) in a combination of two or more relevant documents.
- (2) A document is a “relevant document” for the purposes of subsection (1) if—
 - (a) it is the certificate, or
 - (b) it is a document that is referred to in the certificate or that is referred to in a document that is within this paragraph.
- (3) Any sum payable by a person under the terms of the ^{F5} settlement] (a “^{F5} settlement] sum”) shall, subject to subsections (4) to (7), be recoverable—
 - (a) in England and Wales, by execution issued from ^{F6} the county court] or otherwise as if the sum were payable under an order of that court;
 - (b) in Scotland, by diligence as if the certificate were an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland.
- (4) A ^{F7} settlement] sum is not recoverable under subsection (3) if—

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- (a) the person by whom it is payable applies for a declaration that the sum would not be recoverable from him under the general law of contract, and
 - (b) that declaration is made.
- (5) If rules of court so provide, a [^{F8} settlement] sum is not recoverable under subsection (3) during the period—
- (a) beginning with the issue of the certificate, and
 - (b) ending at such time as may be specified in, or determined under, rules of court.
- (6) If the terms of the [^{F9} settlement] provide for the person to whom a [^{F9} settlement] sum is payable to do anything in addition to discontinuing or not starting proceedings, that sum is recoverable by him under subsection (3)—
- (a) in England and Wales, only if [^{F6} the county court] so orders;
 - (b) in Scotland, only if the sheriff so orders.
- (7) Once an application has been made for a declaration under subsection (4) in relation to a sum, no further reliance may be placed on subsection (3) for the recovery of the sum while the application is pending.
- (8) An application for a declaration under subsection (4) may be made to an employment tribunal, [^{F6} the county court] or the sheriff.
- (9) Employment tribunal procedure regulations may (in particular) make provision as to the time within which an application to an employment tribunal for a declaration under subsection (4) is to be made.
- (10) Rules of court may make provision as to—
- (a) the time within which an application to [^{F6} the county court] for a declaration under subsection (4) is to be made;
 - (b) the time within which an application to the sheriff for a declaration under subsection (4) is to be made;
 - (c) when an application (whether made to [^{F6} the county court] , the sheriff or an employment tribunal) for a declaration under subsection (4) is pending for the purposes of subsection (7).
- [A term of any document which is a relevant document for the purposes of ^{F10}(10A) subsection (1) is void to the extent that it purports to prevent the disclosure of any provision of any such document to a person appointed or authorised to act under section 37M.]
- (11) Nothing in this section shall be taken to prejudice any rights or remedies that a person has apart from this section.
- (12) In this section “ [^{F11} settlement] ” (except in the phrase “ [^{F11} settlement] sum”) means a settlement^{F12} ... to avoid proceedings or bring proceedings to an end.]

Textual Amendments

- F1** S. 19A inserted (1.4.2009) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), **ss. 142, 148**; S.I. 2008/2696, **art. 6(a)**
- F2** Word in s. 19A heading substituted (29.7.2013) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), **ss. 23(2)(c), 103(3)**; S.I. 2013/1648, **art. 2(c)**
- F3** Words in s. 19A(1)(a)(i) substituted (6.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), **s. 103(3), Sch. 1 para. 7**; S.I. 2014/253, **art. 3(f)** (with **art. 5(1)**)

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- F4** Word in s. 19A(1) substituted (29.7.2013) by Enterprise and Regulatory Reform Act 2013 (c. 24), **ss. 23(2)(a)**, 103(3); S.I. 2013/1648, art. 2(c)
- F5** Word in s. 19A(3) substituted (29.7.2013) by Enterprise and Regulatory Reform Act 2013 (c. 24), **ss. 23(2)(a)**, 103(3); S.I. 2013/1648, art. 2(c)
- F6** Words in s. 19A substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 52**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F7** Word in s. 19A(4) substituted (29.7.2013) by Enterprise and Regulatory Reform Act 2013 (c. 24), **ss. 23(2)(a)**, 103(3); S.I. 2013/1648, art. 2(c)
- F8** Word in s. 19A(5) substituted (29.7.2013) by Enterprise and Regulatory Reform Act 2013 (c. 24), **ss. 23(2)(a)**, 103(3); S.I. 2013/1648, art. 2(c)
- F9** Word in s. 19A(6) substituted (29.7.2013) by Enterprise and Regulatory Reform Act 2013 (c. 24), **ss. 23(2)(a)**, 103(3); S.I. 2013/1648, art. 2(c)
- F10** S. 19A(10A) inserted (6.4.2016) by Small Business, Enterprise and Employment Act 2015 (c. 26), **ss. 150(4)**, 164(1) (with s. 150(8)); S.I. 2016/321, reg. 3(d)
- F11** Word in s. 19A(12) substituted (29.7.2013) by Enterprise and Regulatory Reform Act 2013 (c. 24), **ss. 23(2)(b)(i)**, 103(3); S.I. 2013/1648, art. 2(c)
- F12** Words in s. 19A(12) omitted (29.7.2013) by virtue of Enterprise and Regulatory Reform Act 2013 (c. 24), **ss. 23(2)(b)(ii)**, 103(3); S.I. 2013/1648, art. 2(c)

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Changes and effects yet to be applied to :

- s. 19A(9) words substituted by [2022 c. 35 Sch. 5 para. 17](#)

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](#)