

SCHEDULES

SCHEDULE 1

Section 7(2)

CONCILIATION: MINOR AND CONSEQUENTIAL AMENDMENTS

Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)

- 1 In section 288 of the Trade Union and Labour Relations (Consolidation) Act 1992 (restriction on contracting out), in subsection (2), for “section 18” substitute “any of sections 18A to 18C”.

Employment Tribunals Act 1996 (c. 17)

- 2 The Employment Tribunals Act 1996 is amended as follows.
- 3 In section 7 (employment tribunal procedure regulations), in subsection (3ZA)(b), after “form” insert “(including certificates issued under section 18A(4))”.
- 4 In section 7B (mediation), in subsection (5), for “the Advisory, Conciliation and Arbitration Service” substitute “ACAS”.
- 5 (1) Section 18 (conciliation) is amended as follows.
- (2) At the end of the heading insert “: relevant proceedings etc.”
- (3) In subsection (1), for the words before paragraph (a) substitute “In this section and sections 18A to 18C “relevant proceedings” means employment tribunal proceedings —”.
- (4) In subsection (1)(b)—
- (a) after “68” insert “, 70B”;
- (b) after “Act 1992” insert “or paragraph 156 of Schedule A1 to that Act”.
- (5) In subsection (1)(dd), for “20(1)(a)” substitute “19D(1)(a)”.
- (6) Omit subsection (1)(f) and (n).
- (7) After subsection (1) insert—
- “(1A) Sections 18A and 18B apply in the case of matters which could be the subject of relevant proceedings, and section 18C applies in the case of relevant proceedings themselves.”
- (8) Omit subsections (2) to (5).
- (9) In subsections (6) and (7), for “this section” substitute “any of sections 18A to 18C”.
- 6 After section 18B (inserted by section 7(1)) insert—

Status: This is the original version (as it was originally enacted).

“18C Conciliation after institution of proceedings

(1) Where an application instituting relevant proceedings has been presented to an employment tribunal, and a copy of it has been sent to a conciliation officer, the conciliation officer shall endeavour to promote a settlement—

- (a) if requested to do so by the person by whom and the person against whom the proceedings are brought, or
- (b) if, in the absence of any such request, the conciliation officer considers that the officer could act under this section with a reasonable prospect of success.

(2) Where a person who has presented a complaint to an employment tribunal under section 111 of the Employment Rights Act 1996 has ceased to be employed by the employer against whom the complaint was made, the conciliation officer may in particular—

- (a) seek to promote the reinstatement or re-engagement of the complainant by the employer, or by a successor of the employer or by an associated employer, on terms appearing to the conciliation officer to be equitable, or
- (b) where the complainant does not wish to be reinstated or re-engaged, or where reinstatement or re-engagement is not practicable, and the parties desire the conciliation officer to act, seek to promote agreement between them as to a sum by way of compensation to be paid by the employer to the complainant.

(3) In subsection (1) “settlement” means a settlement that brings proceedings to an end without their being determined by an employment tribunal.”

7 In section 19A (conciliation: recovery of sums payable under compromises), in subsection (1)(a)(i), for “section 18” substitute “any of sections 18A to 18C”.

8 In section 40 (power to amend Act), in subsection (2), omit the words from “and to section 18” to the end.

9 In section 42 (interpretation), in subsection (1)—

- (a) before the definition of “the Appeal Tribunal” insert—
““ACAS” means the Advisory, Conciliation and Arbitration Service,”;
- (b) in the definition of “conciliation officer” for “the Advisory, Conciliation and Arbitration Service” substitute “ACAS”.

Employment Rights Act 1996 (c. 18)

10 In section 203 of the Employment Rights Act 1996 (restrictions on contracting out), in subsection (2)(e), for “section 18” substitute “any of sections 18A to 18C”.

National Minimum Wage Act 1998 (c. 39)

11 In section 49 of the National Minimum Wage Act 1998 (restrictions on contracting out), in subsection (2)(a), for “section 18” substitute “any of sections 18A to 18C”.

Employment Act 2008 (c. 24)

- 12 Section 5 of the Employment Act 2008 (which amends provisions repealed by paragraph 5(8)) is omitted.

Pensions Act 2008 (c. 30)

- 13 In section 58 of the Pensions Act 2008 (restrictions on agreements to limit operation of Part 1), in subsection (3), for “section 18” substitute “any of sections 18A to 18C”.