

Changes to legislation: There are currently no known outstanding effects for the Enterprise and Regulatory Reform Act 2013, Cross Heading: Employment Rights Act 1996 (c. 18). (See end of Document for details)

SCHEDULES

SCHEDULE 2

EXTENSION OF LIMITATION PERIODS TO ALLOW FOR CONCILIATION

Employment Rights Act 1996 (c. 18)

15 The Employment Rights Act 1996 is amended as follows.

Commencement Information

I1 Sch. 2 para. 15 in force at 6.4.2014 by S.I. 2014/253, art. 3(g)

16 In section 11 (references to employment tribunals: contravention of section 8), after subsection (5) insert—

“(6) Where the reference concerns compliance with section 8, section 207B (extension of time limits to facilitate conciliation before institution of proceedings) also applies for the purposes of subsection (4)(a).”

Commencement Information

I2 Sch. 2 para. 16 in force at 6.4.2014 by S.I. 2014/253, art. 3(g)

17 In section 23 (complaints to employment tribunals: contravention of section 13, 15, 18(1) or 21(1)), in subsection (3A), for “applies” substitute “ and section 207B (extension of time limits to facilitate conciliation before institution of proceedings) apply ”.

Commencement Information

I3 Sch. 2 para. 17 in force at 6.4.2014 by S.I. 2014/253, art. 3(g)

18 In section 34 (complaints to employment tribunals: contravention of section 28), in subsection (2A), for “applies” substitute “ and section 207B (extension of time limits to facilitate conciliation before institution of proceedings) apply ”.

Commencement Information

I4 Sch. 2 para. 18 in force at 6.4.2014 by S.I. 2014/253, art. 3(g)

19 In section 48 (complaints to employment tribunals: contravention of Part 5), in subsection (4A), for “applies” substitute “ and section 207B (extension of time limits to facilitate conciliation before institution of proceedings) apply ”.

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Commencement Information

I5 Sch. 2 para. 19 in force at 6.4.2014 by S.I. 2014/253, art. 3(g)

- 20 In section 51 (complaints to employment tribunals: contravention of section 50), in subsection (2A), for “applies” substitute “ and section 207B (extension of time limits to facilitate conciliation before institution of proceedings) apply ”.

Commencement Information

I6 Sch. 2 para. 20 in force at 6.4.2014 by S.I. 2014/253, art. 3(g)

- 21 In section 54 (complaints to employment tribunals: contravention of section 52 or 53), in subsection (2A), for “applies” substitute “ and section 207B (extension of time limits to facilitate conciliation before institution of proceedings) apply ”.

Commencement Information

I7 Sch. 2 para. 21 in force at 6.4.2014 by S.I. 2014/253, art. 3(g)

- 22 In section 57 (complaints to employment tribunals: contravention of section 55 or 56), in subsection (2A), for the words from “applies” to the end substitute “ and section 207B (extension of time limits to facilitate conciliation before institution of proceedings) apply for the purposes of subsection (2)(a) ”.

Commencement Information

I8 Sch. 2 para. 22 in force at 6.4.2014 by S.I. 2014/253, art. 3(g)

- 23 In section 57ZC (complaint to employment tribunal: agency workers), after subsection (3) insert—
- “(3A) Section 207A(3) (extension because of mediation in certain European cross-border disputes) and section 207B (extension of time limits to facilitate conciliation before institution of proceedings) apply for the purposes of subsection (3)(a).”

Commencement Information

I9 Sch. 2 para. 23 in force at 6.4.2014 by S.I. 2014/253, art. 3(g)

- 24 In section 57B (complaint to employment tribunal: contravention of section 57A), in subsection (2A), for “applies” substitute “ and section 207B (extension of time limits to facilitate conciliation before institution of proceedings) apply ”.

Commencement Information

I10 Sch. 2 para. 24 in force at 6.4.2014 by S.I. 2014/253, art. 3(g)

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- 25 In section 60 (complaints to employment tribunals: contravention of section 58 or 59), in subsection (2A), for “applies” substitute “ and section 207B (extension of time limits to facilitate conciliation before institution of proceedings) apply ”.

Commencement Information

I11 Sch. 2 para. 25 in force at 6.4.2014 by S.I. 2014/253, art. 3(g)

- 26 In section 63 (complaints to employment tribunals: contravention of section 61 or 62), in subsection (2A), for “applies” substitute “ and section 207B (extension of time limits to facilitate conciliation before institution of proceedings) apply ”.

Commencement Information

I12 Sch. 2 para. 26 in force at 6.4.2014 by S.I. 2014/253, art. 3(g)

- 27 In section 63C (complaints to employment tribunals: contravention of section 63A or 63B), in subsection (2A), for “applies” substitute “ and section 207B (extension of time limits to facilitate conciliation before institution of proceedings) apply ”.

Commencement Information

I13 Sch. 2 para. 27 in force at 6.4.2014 by S.I. 2014/253, art. 3(g)

- 28 In section 63I (complaints to employment tribunals: contravention of section 63F(4), (5) or (6) or 63I(1)(b)), in subsection (7), for “applies” substitute “ and section 207B (extension of time limits to facilitate conciliation before institution of proceedings) apply ”.

Commencement Information

I14 Sch. 2 para. 28 in force at 6.4.2014 by S.I. 2014/253, art. 3(g)

- 29 In section 70 (complaints to employment tribunals: contravention of section 64, 67 or 68), in subsection (8), for “applies” substitute “ and section 207B (extension of time limits to facilitate conciliation before institution of proceedings) apply ”.

Commencement Information

I15 Sch. 2 para. 29 in force at 6.4.2014 by S.I. 2014/253, art. 3(g)

- 30 In section 70A (complaints to employment tribunals: agency workers), after subsection (7) insert—
- “(7A) Section 207A(3) (extension because of mediation in certain European cross-border disputes) and section 207B (extension of time limits to facilitate conciliation before institution of proceedings) apply for the purposes of subsections (2)(a) and (5)(a).”

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Commencement Information

I16 Sch. 2 para. 30 in force at 6.4.2014 by S.I. 2014/253, art. 3(g)

- 31 In section 80 (complaint to employment tribunal: parental leave), in subsection (2A), for “applies” substitute “ and section 207B (extension of time limits to facilitate conciliation before institution of proceedings) apply ”.

Commencement Information

I17 Sch. 2 para. 31 in force at 6.4.2014 by S.I. 2014/253, art. 3(g)

- 32 In section 80H (complaints to employment tribunals: contravention of section 80G(1) or 80H(1)(b)), in subsection (7), for “applies” substitute “ and section 207B (extension of time limits to facilitate conciliation before institution of proceedings) apply ”.

Commencement Information

I18 Sch. 2 para. 32 in force at 6.4.2014 by S.I. 2014/253, art. 3(g)

- 33 In section 111 (complaints to employment tribunal: contravention of section 92 or Part 10), in subsection (2A), for “applies” substitute “ and section 207B (extension of time limits to facilitate conciliation before institution of proceedings) apply ”.

Commencement Information

I19 Sch. 2 para. 33 in force at 6.4.2014 by S.I. 2014/253, art. 3(g)

- 34 In section 164 (claims for redundancy payment: contravention of section 135), after subsection (4) insert—
- “(5) Section 207B (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of subsections (1)(c) and (2).”

Commencement Information

I20 Sch. 2 para. 34 in force at 6.4.2014 by S.I. 2014/253, art. 3(g)

- 35 After section 207A (extension of time limits because of mediation in certain cross-border disputes) insert—

“207B Extension of time limits to facilitate conciliation before institution of proceedings

- (1) This section applies where this Act provides for it to apply for the purposes of a provision of this Act (a “relevant provision”).

But it does not apply to a dispute that is (or so much of a dispute as is) a relevant dispute for the purposes of section 207A.

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- (2) In this section—
- (a) Day A is the day on which the complainant or applicant concerned complies with the requirement in subsection (1) of section 18A of the Employment Tribunals Act 1996 (requirement to contact ACAS before instituting proceedings) in relation to the matter in respect of which the proceedings are brought, and
 - (b) Day B is the day on which the complainant or applicant concerned receives or, if earlier, is treated as receiving (by virtue of regulations made under subsection (11) of that section) the certificate issued under subsection (4) of that section.
- (3) In working out when a time limit set by a relevant provision expires the period beginning with the day after Day A and ending with Day B is not to be counted.
- (4) If a time limit set by a relevant provision would (if not extended by this subsection) expire during the period beginning with Day A and ending one month after Day B, the time limit expires instead at the end of that period.
- (5) Where an employment tribunal has power under this Act to extend a time limit set by a relevant provision, the power is exercisable in relation to the time limit as extended by this section.”

Commencement Information

I21 Sch. 2 para. 35 in force at 6.4.2014 by S.I. 2014/253, art. 3(g)

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