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STATUTORY INSTRUMENTS

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**2004 No. 752**

**The Employment Act 2002 (Dispute Resolution) Regulations 2004**

**Amendments to secondary legislation**

- 17.** The statutory instruments referred to in this regulation shall be amended as follows—
- (a) in the Sex Discrimination (Questions and Replies) Order 1975(1), for paragraph (a) of article 5 there shall be substituted—
    - “(a) where it was served before a complaint had been presented to a tribunal, if it was so served—
      - (i) within the period of three months beginning when the act complained of was done; or
      - (ii) where the period under section 76 of the Act within which proceedings must be brought is extended by regulation 15 of the Employment Act 2002 (Dispute Resolution) Regulations 2004, within that extended period;”;
  - (b) in the Race Relations (Questions and Replies) Order 1977(2), for paragraph (a) of article 5 there shall be substituted—
    - “(a) where it was served before a complaint had been presented to a tribunal, if it was so served—
      - (i) within the period of three months beginning when the act complained of was done; or
      - (ii) where the period under section 68 of the Act within which proceedings must be brought is extended by regulation 15 of the Employment Act 2002 (Dispute Resolution) Regulations 2004, within that extended period;”;
  - (c) in article 7 of the Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994(3), after paragraph (b) there shall be inserted—
    - “(ba) where the period within which a complaint must be presented in accordance with paragraph (a) or (b) is extended by regulation 15 of the Employment Act 2002 (Dispute Resolution) Regulations 2004, the period within which the complaint must be presented shall be the extended period rather than the period in paragraph (a) or (b).”;
  - (d) in article 7 of the Employment Tribunals Extension of Jurisdiction (Scotland) Order 1994(4), after paragraph (b) there shall be inserted—
    - “(ba) where the period within which a complaint must be presented in accordance with paragraph (a) or (b) is extended by regulation 15 of the Employment Act 2002 (Dispute Resolution) Regulations 2004, the period within which the

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(1) S.I.1975/2048.  
(2) S.I. 1977/842.  
(3) S.I. 1994/1623.  
(4) S.I. 1994/1624.

complaint must be presented shall be the extended period rather than the period in paragraph (a) or (b).”;

- (e) in regulation (2) of the Employment Protection (Continuity of Employment) Regulations 1996<sup>(5)</sup>, the word “or” at the end of paragraph (d) shall be omitted and after paragraph (e) there shall be inserted—

“or

(f) a decision taken arising out of the use of a statutory dispute resolution procedure contained in Schedule 2 to the Employment Act 2002 in a case where, in accordance with the Employment Act 2002 (Dispute Resolution) Regulations 2004, such a procedure applies.”;

- (f) in regulation 30(2)(b) of the Working Time Regulations 1998<sup>(6)</sup>, after paragraph (2) there shall be inserted—

“(2A) Where the period within which a complaint must be presented in accordance with paragraph (2) is extended by regulation 15 of the Employment Act 2002 (Dispute Resolution) Regulations 2004, the period within which the complaint must be presented shall be the extended period rather than the period in paragraph (2).”;

- (g) in the Employment Equality (Religion or Belief) Regulations 2003—

- (i) for regulation 33(4)(a) there shall be substituted—

“where it was served before a complaint had been presented to a tribunal, if it was so served—

(i) within the period of three months beginning when the act complained of was done; or

(ii) where paragraph (1A) of regulation 34 applies, within the extended period.”; and

- (ii) in regulation 34, after paragraph (1) there shall be inserted—

“(1A) Where the period within which a complaint must be presented in accordance with paragraph (1) is extended by regulation 15 of the Employment Act 2002 (Dispute Resolution) Regulations 2004, the period within which the complaint must be presented shall be the extended period rather than the period in paragraph (1).”; and

- (h) in the Employment Equality (Sexual Orientation) Regulations 2003—

- (i) for regulation 33(4)(a) there shall be substituted—

“where it was served before a complaint had been presented to a tribunal, if it was so served—

(i) within the period of three months beginning when the act complained of was done; or

(ii) where paragraph (1A) of regulation 34 applies, within the extended period.”; and

- (ii) in regulation 34, after paragraph (1) there shall be inserted—

“(1A) Where the period within which a complaint must be presented in accordance with paragraph (1) is extended by regulation 15 of the Employment Act 2002 (Dispute Resolution) Regulations 2004, the period within which the complaint must be presented shall be the extended period rather than the period in paragraph (1).”.

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<sup>(5)</sup> S.I. 1996/3147.

<sup>(6)</sup> S.I. 1998/1833.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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