

SCHEDULES

SCHEDULE 12

DEATH OF EMPLOYEE OR EMPLOYER

PART I

GENERAL

Introductory

- 1 In this Schedule " the relevant provisions" means the provisions of this Act (including this Schedule) conferring rights on employees, or connected therewith, and so much of the 1974 Act as relates to unfair dismissal.

Institution or continuance of tribunal proceedings

- 2 Where an employee or employer has died tribunal proceedings arising under any of the relevant provisions may be instituted or continued by a personal representative of the deceased employee or, as the case may be, defended by a personal representative of the deceased employer.
- 3 (1) If there is no personal representative of a deceased employee, tribunal proceedings arising under any of the relevant provisions (or proceedings to enforce a tribunal award made in any such proceedings) may be instituted or continued on behalf of the estate of the deceased employee by such other person as the industrial tribunal may appoint being either—
- (a) a person authorised by the employee to act in connection with the proceedings before the employee's death ; or
 - (b) the widower, widow, child, father, mother, brother or sister of the deceased employee,
- and references in this Schedule to a personal representative shall be construed as including such a person.
- (2) In such a case any award made by the industrial tribunal shall be in such terms and shall be enforceable in such manner as may be provided by regulations made by the Secretary of State.
- 4 (1) Subject to any specific provision of this Schedule to the contrary, in relation to an employee or employer who has died—
- (a) any reference in the relevant provisions to the doing of anything by or in relation to an employee or employer shall be construed as including a reference to the doing of that thing by or in relation to any personal representative of the deceased employee or employer ; and
 - (b) any reference in the said provisions to a thing required or authorised to be done by or in relation to an employee or employer shall be construed

Status: This is the original version (as it was originally enacted).

as including a reference to any thing which, in accordance with any such provision as modified by this Schedule (including sub-paragraph (a) above), is required or authorised to be done by or in relation to any personal representative of the deceased employee or employer.

- (2) Nothing in this paragraph shall prevent references in the relevant provisions to a successor of an employer from including a personal representative of a deceased employer.

Rights and liabilities accruing after death

- 5 Any right arising under any of the relevant provisions as modified by this Schedule shall, if it had not accrued before the death of the employee in question, nevertheless devolve as if it had so accrued.
- 6 Where by virtue of any of the relevant provisions as modified by this Schedule a personal representative of a deceased employer is liable to pay any amount and that liability had not accrued before the death of the employer, it shall be treated for all purposes as if it were a liability of the deceased employer which had accrued immediately before the death.

Death during protected period

- 7 Where an industrial tribunal makes a protective award under section 101 above and an employee of a description to which the award relates dies during the protected period, the award shall be treated in his case as if it specified a protected period of such length as to end on the date of his death.