



Employment Relations Act 1999

1999 CHAPTER 26

Miscellaneous

34 Indexation of amounts, &c.

- (1) This section applies to the sums specified in the following provisions—
- [^{F1}(za) section 27M(1) of the Employment Rights Act 1996 (complaints about tips etc: compensation);
 - (zb) section 27O(2) of that Act (complaints about information: compensation);]
 - (a) section 31(1) of [^{F2}the Employment Rights Act 1996][^{F2}that Act] (guarantee payments: limits);
 - (b) section 120(1) of that Act (unfair dismissal: minimum amount of basic award);
 - (c) section 124(1) of that Act (unfair dismissal: limit of compensatory award);
 - (d) section 186(1)(a) and (b) of that Act (employee's rights on insolvency of employer: maximum amount payable);
 - (e) section 227(1) of that Act (maximum amount of a week's pay for purposes of certain calculations);
 - [^{F3}(ea) section 145E(3) of the Trade Union and Labour Relations (Consolidation) Act 1992 (unlawful inducements: amount of award);
 - (f) section 156(1) of that Act (unfair dismissal: minimum basic award);]
 - (g) section [^{F4}176(6A)] of that Act (right to membership of trade union: remedies).
- (2) If the retail prices index for September of a year is higher or lower than the index for the previous September, the Secretary of State shall ^{F5}... make an order in relation to each sum mentioned in subsection (1)—
- (a) increasing each sum, if the new index is higher, or
 - (b) decreasing each sum, if the new index is lower,
- by the same percentage as the amount of the increase or decrease of the index [^{F6}, with effect from the following 6th April] .

Changes to legislation: There are currently no known outstanding effects for the Employment Relations Act 1999, Section 34. (See end of Document for details)

- (3) In making the calculation required by subsection (2) the Secretary of State shall [^{F7} round the result to the nearest whole pound, taking 50p as nearest to the next whole pound above]
- (4) For the sum specified in section 124(1) of the ^{M1}Employment Rights Act 1996 (unfair dismissal: limit of compensatory award) there shall be substituted the sum of £50,000 (subject to subsection (2) above).
- [^{F8}(4A) A reference in this section to a sum specified in section 124(1) of the Employment Rights Act 1996 does not include anything specified by virtue of section 15(2)(b)(ii) of the Enterprise and Regulatory Reform Act 2013 (specified number multiplied by a week's pay of the individual concerned).
- (4B) As regards a sum specified in section 124(1) of the Employment Rights Act 1996, the duty under subsection (2) to make an order with effect from 6 April in a particular year does not arise where an order varying such a sum with effect from a day within 12 months before that date has been made under section 15(1) of the Enterprise and Regulatory Reform Act 2013.]
- (5) In this section “the retail prices index” means—
- (a) the general index of retail prices (for all items) published by the [^{F9}Statistics Board], or
 - (b) where that index is not published for a month, any substituted index or figures published by [^{F10}the Board].
- (6) An order under this section—
- (a) shall be made by statutory instrument,
 - (b) may include transitional provision, and
 - (c) shall be laid before Parliament after being made.

Textual Amendments

- F1** S. 34(1)(za)(zb) inserted (31.7.2023 for specified purposes) by [Employment \(Allocation of Tips\) Act 2023 \(c. 13\)](#), [ss. 12\(4\)\(a\)](#), 14(2); S.I. 2023/876, reg. 3(c)
- F2** Words in s. 34(1)(a) substituted (31.7.2023 for specified purposes) by [Employment \(Allocation of Tips\) Act 2023 \(c. 13\)](#), [ss. 12\(4\)\(b\)](#), 14(2); S.I. 2023/876, reg. 3(c)
- F3** S. 34(1)(ea)(f) substituted for s. 34(1)(f) (1.10.2004) by [Employment Relations Act 2004 \(c. 24\)](#), s. 59(3), [Sch. 1 para. 42\(2\)](#); S.I. 2004/2566, art. 3(b) (with art. 6)
- F4** Word in s. 34(1)(g) substituted (31.12.2004) by [Employment Relations Act 2004 \(c. 24\)](#), s. 59(3), [Sch. 1 para. 42\(3\)](#); S.I. 2004/3342, art. 4(b)
- F5** Words in s. 34(2) omitted (25.6.2013) by virtue of [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), [ss. 22\(2\)\(a\)](#), 103(2)
- F6** Words in s. 34(2) inserted (25.6.2013) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), [ss. 22\(2\)\(b\)](#), 103(2)
- F7** Words in s. 34(3) substituted (25.6.2013) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), [ss. 22\(3\)](#), 103(2)
- F8** S. 34(4A)(4B) inserted (25.4.2013 for specified purposes, 25.6.2013 in so far as not already in force) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), [ss. 15\(10\)](#), 103(1)(i)(2)
- F9** Words in s. 34(5)(a) substituted (1.4.2008) by [Statistics and Registration Service Act 2007 \(c. 18\)](#), s. 74(1), [Sch. 3 para. 11\(a\)](#); S.I. 2008/839, art. 2
- F10** Words in s. 34(5)(b) substituted (1.4.2008) by [Statistics and Registration Service Act 2007 \(c. 18\)](#), s. 74(1), [Sch. 3 para. 11\(b\)](#); S.I. 2008/839, art. 2

Changes to legislation: There are currently no known outstanding effects for the Employment Relations Act 1999, Section 34. (See end of Document for details)

Modifications etc. (not altering text)

- C1** S. 34 modified (1.10.2009) by [The Work and Families \(Increase of Maximum Amount\) Order 2009](#) (S.I. 2009/1903), arts. 1(1), **3**

Commencement Information

- II** S. 34 wholly in force; s. 34 not in force at Royal Assent see s. 45; s. 34(4) in force (25.10.1999) by [S.I. 1999/2830](#), **art. 2(1)** (with [art. 3](#)); s. 34(1)-(3)(5)(6) in force (17.12.1999) by [S.I. 1999/3374](#), **art. 2(a)** (with [art. 3](#))

Marginal Citations

- M1** 1996 c. 18.

Changes to legislation:

There are currently no known outstanding effects for the Employment Relations Act 1999, Section 34.