



Tribunals, Courts and Enforcement Act 2007

2007 CHAPTER 15

PART 7

MISCELLANEOUS

Employment tribunals: ACAS

142 Recovery of sums payable under compromises involving ACAS

In the Employment Tribunals Act 1996 (c. 17), after section 19 insert—

“19A Conciliation: recovery of sums payable under compromises

- (1) Subsections (3) to (6) apply if—
 - (a) a conciliation officer—
 - (i) has taken action under section 18 in a case, and
 - (ii) issues a certificate in writing stating that a compromise has been reached in the case, and
 - (b) all of the terms of the compromise are set out—
 - (i) in a single relevant document, or
 - (ii) in a combination of two or more relevant documents.
- (2) A document is a “relevant document” for the purposes of subsection (1) if—
 - (a) it is the certificate, or
 - (b) it is a document that is referred to in the certificate or that is referred to in a document that is within this paragraph.
- (3) Any sum payable by a person under the terms of the compromise (a “compromise sum”) shall, subject to subsections (4) to (7), be recoverable—

Changes to legislation: *Tribunals, Courts and Enforcement Act 2007, Cross Heading: Employment tribunals: ACAS is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (a) in England and Wales, by execution issued from a county court or otherwise as if the sum were payable under an order of that court;
 - (b) in Scotland, by diligence as if the certificate were an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland.
- (4) A compromise sum is not recoverable under subsection (3) if—
 - (a) the person by whom it is payable applies for a declaration that the sum would not be recoverable from him under the general law of contract, and
 - (b) that declaration is made.
- (5) If rules of court so provide, a compromise sum is not recoverable under subsection (3) during the period—
 - (a) beginning with the issue of the certificate, and
 - (b) ending at such time as may be specified in, or determined under, rules of court.
- (6) If the terms of the compromise provide for the person to whom a compromise sum is payable to do anything in addition to discontinuing or not starting proceedings, that sum is recoverable by him under subsection (3)—
 - (a) in England and Wales, only if a county court so orders;
 - (b) in Scotland, only if the sheriff so orders.
- (7) Once an application has been made for a declaration under subsection (4) in relation to a sum, no further reliance may be placed on subsection (3) for the recovery of the sum while the application is pending.
- (8) An application for a declaration under subsection (4) may be made to an employment tribunal, a county court or the sheriff.
- (9) Employment tribunal procedure regulations may (in particular) make provision as to the time within which an application to an employment tribunal for a declaration under subsection (4) is to be made.
- (10) Rules of court may make provision as to—
 - (a) the time within which an application to a county court for a declaration under subsection (4) is to be made;
 - (b) the time within which an application to the sheriff for a declaration under subsection (4) is to be made;
 - (c) when an application (whether made to a county court, the sheriff or an employment tribunal) for a declaration under subsection (4) is pending for the purposes of subsection (7).
- (11) Nothing in this section shall be taken to prejudice any rights or remedies that a person has apart from this section.
- (12) In this section “compromise” (except in the phrase “compromise sum”) means a settlement, or compromise, to avoid proceedings or bring proceedings to an end.”

Changes to legislation:

Tribunals, Courts and Enforcement Act 2007, Cross Heading: Employment tribunals: ACAS is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(8)(bza) inserted by [2022 c. 36 s. 23\(2\)](#)
- s. 13(8)(bzb) inserted by [2022 c. 36 s. 24\(9\)](#)
- s. 16(3)(a) word inserted by [2015 c. 2 s. 85\(3\)\(a\)](#)
- s. 16(3)(b) and word inserted by [2015 c. 2 s. 85\(3\)\(b\)](#)
- s. 16(3A)(3B) inserted by [2015 c. 2 s. 85\(4\)](#)
- s. 22(6) inserted by [2022 c. 35 Sch. 4 para. 4\(2\)](#)
- s. 23(8) inserted by [2022 c. 35 Sch. 4 para. 4\(3\)](#)
- s. 25A inserted by [2022 c. 36 s. 80\(1\)](#)
- s. 29(3A) inserted by [2022 c. 36 s. 81\(6\)](#)
- Sch. 5 para. 11A and cross-heading inserted by [2022 c. 36 s. 80\(2\)](#)
- Sch. 7 para. 6(1)(e) words substituted by [2013 c. 22 Sch. 14 para. 13\(2\)](#) (Sch. 7 was already repealed when this amendment came into force)
- Sch. 7 para. 6(4)(b) words substituted by [2013 c. 22 Sch. 14 para. 13\(2\)](#) (Sch. 7 was already repealed when this amendment came into force)