

Changes to legislation: There are currently no known outstanding effects for the Enterprise and Regulatory Reform Act 2013, Cross Heading: Employment Tribunals Act 1996 (c. 17). (See end of Document for details)

SCHEDULES

SCHEDULE 1

CONCILIATION: MINOR AND CONSEQUENTIAL AMENDMENTS

Employment Tribunals Act 1996 (c. 17)

2 The Employment Tribunals Act 1996 is amended as follows.

Commencement Information

I1 Sch. 1 para. 2 in force at 6.3.2014 in so far as not already in force by S.I. 2014/253, art. 2

3 In section 7 (employment tribunal procedure regulations), in subsection (3ZA)(b), after “form” insert “ (including certificates issued under section 18A(4)) ”.

Commencement Information

I2 Sch. 1 para. 3 in force at 6.3.2014 in so far as not already in force by S.I. 2014/253, art. 2

4 In section 7B (mediation), in subsection (5), for “the Advisory, Conciliation and Arbitration Service” substitute “ ACAS ”.

Commencement Information

I3 Sch. 1 para. 4 in force at 6.4.2014 in so far as not already in force by S.I. 2014/253, art. 3(f)

- 5 (1) Section 18 (conciliation) is amended as follows.
- (2) At the end of the heading insert “ : relevant proceedings etc. ”
- (3) In subsection (1), for the words before paragraph (a) substitute “ In this section and sections 18A to 18C “relevant proceedings” means employment tribunal proceedings — ”.
- (4) In subsection (1)(b)—
- (a) after “68” insert “ , 70B ”;
- (b) after “Act 1992” insert “ or paragraph 156 of Schedule A1 to that Act ”.
- (5) In subsection (1)(dd), for “20(1)(a)” substitute “ 19D(1)(a) ”.
- (6) Omit subsection (1)(f) and (n).
- (7) After subsection (1) insert—
- “(1A) Sections 18A and 18B apply in the case of matters which could be the subject of relevant proceedings, and section 18C applies in the case of relevant proceedings themselves.”

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(8) Omit subsections (2) to (5).

(9) In subsections (6) and (7), for “this section” substitute “ any of sections 18A to 18C ”.

Commencement Information

I4 Sch. 1 para. 5 in force at 6.4.2014 in so far as not already in force by S.I. 2014/253, art. 3(f) (with art. 5(1)(2))

6 After section 18B (inserted by section 7(1)) insert—

“18C Conciliation after institution of proceedings

- (1) Where an application instituting relevant proceedings has been presented to an employment tribunal, and a copy of it has been sent to a conciliation officer, the conciliation officer shall endeavour to promote a settlement—
 - (a) if requested to do so by the person by whom and the person against whom the proceedings are brought, or
 - (b) if, in the absence of any such request, the conciliation officer considers that the officer could act under this section with a reasonable prospect of success.
- (2) Where a person who has presented a complaint to an employment tribunal under section 111 of the Employment Rights Act 1996 has ceased to be employed by the employer against whom the complaint was made, the conciliation officer may in particular—
 - (a) seek to promote the reinstatement or re-engagement of the complainant by the employer, or by a successor of the employer or by an associated employer, on terms appearing to the conciliation officer to be equitable, or
 - (b) where the complainant does not wish to be reinstated or re-engaged, or where reinstatement or re-engagement is not practicable, and the parties desire the conciliation officer to act, seek to promote agreement between them as to a sum by way of compensation to be paid by the employer to the complainant.
- (3) In subsection (1) “settlement” means a settlement that brings proceedings to an end without their being determined by an employment tribunal.”

Commencement Information

I5 Sch. 1 para. 6 in force at 6.4.2014 in so far as not already in force by S.I. 2014/253, art. 3(f)

7 In section 19A (conciliation: recovery of sums payable under compromises), in subsection (1)(a)(i), for “section 18” substitute “ any of sections 18A to 18C ”.

Commencement Information

I6 Sch. 1 para. 7 in force at 6.4.2014 in so far as not already in force by S.I. 2014/253, art. 3(f) (with art. 5(1))

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- 8 In section 40 (power to amend Act), in subsection (2), omit the words from “and to section 18” to the end.

Commencement Information

I7 Sch. 1 para. 8 in force at 6.4.2014 in so far as not already in force by S.I. 2014/253, art. 3(f)

- 9 In section 42 (interpretation), in subsection (1)—
- (a) before the definition of “the Appeal Tribunal” insert—

““ACAS” means the Advisory, Conciliation and Arbitration Service,”;
 - (b) in the definition of “conciliation officer” for “the Advisory, Conciliation and Arbitration Service” substitute “ACAS”.

Commencement Information

I8 Sch. 1 para. 9 in force at 6.4.2014 in so far as not already in force by S.I. 2014/253, art. 3(f)

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