
STATUTORY INSTRUMENTS

2003 No. 3038

Employment Rights (Increase of Limits) Order 2003

Transitional provisions

4.—(1) The increases provided for in article 3 have effect in any case where the appropriate date falls on or after 1st February 2004.

(2) In a case where the appropriate date falls before 1st February 2004, the limits having effect in relation to the case immediately before 1st February 2004 continue to apply.

(3) In this article “the appropriate date” means—

- (a) in the case of an application made under section 67 of the 1992 Act (compensation for unjustifiable discipline by a trade union), the date of the determination infringing the applicant’s right;
- (b) in the case of a complaint made under section 70C of the 1992(1) (failure by an employer to consult with a trade union on training matters) the date of the alleged failure;
- (c) in the case of a complaint presented under section 137(2) of the 1992 Act (refusal of employment on grounds related to union membership) or section 138(2) of that Act (refusal of service of employment agency on grounds related to union membership), the date of the conduct to which the complaint relates, as determined under section 139 of that Act;
- (d) in the case of an application made under section 176(2) of the 1992 Act(2) (compensation for exclusion or expulsion from a trade union), the date of the exclusion or expulsion from the union;
- (e) in the case of a guarantee payment to which an employee is entitled under section 28(1) of the 1996 Act, the day in respect of which the payment is due;
- (f) in the case of a complaint presented under section 111 of the 1996 Act (complaints of unfair dismissal), for the purpose of calculating the basic award or compensatory award under section 118(1) of that Act, the effective date of termination as defined by section 97 of that Act;
- (g) in the case of an award under section 117(1) or (3) of the 1996 Act(3), where an employer has failed to comply fully with the terms of an order for reinstatement or re-engagement or has failed to reinstate or re-engage the complainant in accordance with such an order, the date by which the order of reinstatement (specified under section 114(2)(c) of that Act) or, as the case may be, re-engagement (specified under section 115(2)(f) of that Act) should have been complied with;
- (h) in the case of entitlement to a redundancy payment by virtue of section 135(1)(a) of the 1996 Act (dismissal by reason of redundancy), the relevant date as defined by section 145 of that Act(4);

(1) Section 70C was inserted by the Employment Relations Act 1999, section 5.

(2) Section 176 was substituted by section 14 of the Trade Union Reform and Employment Rights Act 1993 (c. 19).

(3) Section 117(3) was amended by the Employment Relations Act 1999, section 33(2).

(4) Section 145(7) was repealed by the Employment Relations Act 1999, sections 9 and 44; Schedule 4, Part III, paragraphs 5 and 26; and Schedule 9.2.

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

- (i) in the case of entitlement to a redundancy payment by virtue of section 135(1)(b) of the 1996 Act (lay-off or short-time), the relevant date as defined by section 153 of that Act;
- (j) in the case of entitlement to a payment under section 182 of the 1996 Act (payments by the Secretary of State), the appropriate date as defined by section 185 of that Act;
- (k) in the case of a complaint presented under section 11(2) of the 1999 Act where an employer has failed or threatened to fail to allow an employee to be accompanied at a disciplinary or grievance hearing, the date of the failure or threat.