
STATUTORY INSTRUMENTS

2004 No. 753

The ACAS Arbitration Scheme (Great Britain) Order 2004

Enforcement of re-employment orders

6.—(1) Employment tribunals shall enforce re-employment orders made in arbitrations conducted in accordance with the Scheme in accordance with section 117(1) of the 1996 Act (enforcement by award of compensation), modified as follows.

(2) In subsection (1)(a), subsection (3) and subsection (8), for the words “section 113” substitute in each case “paragraph 123(i) of the Scheme”.

(3) In subsection (2) for “section 124” substitute “section 124(1) and (5) and subsections (9) and (10)”.

(4) In subsection (3)(a) for the words “sections 118 to 127A” substitute the words “sections 118 to 123, section 124(1) and (5), sections 126 and 127A and subsections (9) and (11)”.

(5) After subsection (8) insert—

“(9) Section 124(1) shall not apply to compensation awarded, or to a compensatory award made, to a person in a case where the arbitrator finds the reason (or, if more than one, the principal reason) for the dismissal (or, in a redundancy case, for which the employee was selected for dismissal) to be a reason specified in any of the enactments mentioned in section 124(1)A.

(10) In the case of compensation awarded to a person under section 117(1) and (2), the limit imposed by section 124(1) may be exceeded to the extent necessary to enable the award fully to reflect the amount specified as payable under the arbitrator’s award in accordance with paragraphs 131(i) or 134(iv) of the Scheme.

(11) Where—

- (a) a compensatory award is an award under subsection (3)(a) of section 117, and
- (b) an additional award falls to be made under subsection (3)(b) of that section, the limit imposed by section 124(1) on the compensatory award may be exceeded to the extent necessary to enable the aggregate of the compensatory award and additional awards fully to reflect the amount specified as payable under the arbitrator’s award in accordance with paragraphs 131(i) or 134(iv) of the Scheme.

(12) In this section “the Scheme” means the arbitration scheme set out in the Schedule to the ACAS Arbitration Scheme (Great Britain) Order 2004.”.

(1) Section 117 was amended by the Employment Rights (Dispute Resolution) Act 1998 (c. 8), section 1(2)(a) and 14(1), Schedule 1, paragraph 20 and Schedule 2; by the Public Interest Disclosure Act 1998 (c. 23), section 8(2); and by the Employment Relations Act 1999 (c. 26), section 33 and Schedule 9. Section 117 is prospectively amended by the Employment Act 2002 (c. 22), sections 34(1) and (4) and 53, and Schedule 7, paragraphs 24 and 37.