

STATUTORY INSTRUMENTS

2008 No. 1660

The Cross-border Railway Services (Working Time) Regulations 2008

Remedies

17.—(1) A cross-border worker may present a complaint to an employment tribunal that his employer has refused to permit the worker to exercise any right the worker has under regulations 3 to 7.

(2) An employment tribunal may not consider a complaint under this regulation unless it is presented—

- (a) before the end of the period of three months beginning with the date on which it is alleged that the exercise of the right should have been permitted (or in the case of a rest period extending over more than one day, the date on which it should have been permitted to begin);
- (b) within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented before the end of that period of three months.

[^{F1}(2A) Regulation 17A (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of paragraph (2).]

(3) Where the period within which a complaint must be presented in accordance with paragraph (2) is extended by regulation 15 of the Employment Act 2002 (Dispute Resolution) Regulations 2004 ^{M1}, the period within which the complaint must be presented is the extended period rather than the period in paragraph (2).

(4) Where an employment tribunal finds a complaint under paragraph (1) well-founded, the tribunal—

- (a) must make a declaration to that effect, and
- (b) may make an award of compensation to be paid by the employer to the cross-border worker.

(5) The amount of the compensation is to be such as the tribunal considers just and equitable in all the circumstances having regard to—

- (a) the employer's default in refusing to permit the worker to exercise the worker's right, and
- (b) any loss sustained by the worker which is attributable to the matters complained of.

Textual Amendments

- F1** Reg. 17(2A) inserted (6.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Consequential Amendments\) \(Employment\) Order 2014 \(S.I. 2014/386\)](#), art. 1, **Sch. para. 54**

Marginal Citations

- M1** [S.I. 2004/752](#)

Changes to legislation:

There are currently no known outstanding effects for the The Cross-border Railway Services (Working Time) Regulations 2008, Section 17.