

SCHEDULE 3

Regulation 19

Amendments to Legislation

1. The Employment Tribunals Act 1996 ^{M1} is amended as follows.
 - (a) In section 18(1) (conciliation) ^{M2}—
 - (i) at the end of paragraph (s) omit “or”, and
 - (ii) after paragraph (t) insert—
“, or
(u) under regulation 17 of the Cross-border Railway Services (Working Time) Regulations 2008”.
 - (b) In section 21(1) (appeals from employment tribunals on questions of law) ^{M3}—
 - (i) at the end of paragraph (t) omit “or”, and
 - (ii) after paragraph (u) insert—
“, or
(v) the Cross-border Railway Services (Working Time) Regulations 2008”.

Marginal Citations

- M1** 1996 c.17; section 1(2) of the [Employment Rights \(Dispute Resolution\) Act 1998 \(c.8\)](#) provides for the Industrial Tribunals Act 1996 to be cited as the Employment Tribunals Act 1996.
- M2** [Section 18\(1\)](#) has been amended on a number of occasions to specify additional proceedings and claims to which the section applies.
- M3** [Section 21\(1\)](#) has been amended on a number of occasions to specify additional proceedings and claims to which the section applies.

- 2.—(1) The Employment Rights Act 1996 ^{M4} is amended as follows.
 - (2) In section 45A(5)(b) (right not to suffer detriment: working time cases) at the end insert—
“(c) the Cross-border Railway Services (Working Time) Regulations 2008”.
 - (3) In section 101A(2)(b) (fairness in dismissal) at the end insert—
“(c) the Cross-border Railway Services (Working Time) Regulations 2008”.
 - (4) In section 104(4)(d) (fairness in dismissal: assertion of statutory right) for “or the Fishing Vessels (Working Time: Sea-fisherman) Regulations 2004” substitute—
“, the Fishing Vessels (Working Time: Sea-fisherman) Regulations 2004 or the Cross-border Railway Services (Working Time) Regulations 2008”.

Marginal Citations

- M4** 1996 c.18; section 45A was inserted by regulation 31(1) of the Working Time Regulations 1998, S.I. 1998/1833 (the 1998 Regulations) and amended by the [Employment Relations Act 1999 \(c. 26\)](#), [section 18\(3\)](#) and Schedule 9, Table 3; [section 101A](#) was inserted by regulation 32(1) of the 1998 Regulations and section 104(4)(d) was inserted by regulation 32(2) of those Regulations. Those sections were amended by paragraph 3 of Schedule 2 to the Merchant Shipping (Working Time: Inland Waterways) Regulations 2003, S.I. 2003/3049 and by paragraph 2 of the Fishing Vessels (Working Time: Sea-fishermen) regulations 2004 (S.I. 2004/1713).

Changes to legislation: There are currently no known outstanding effects for the The Cross-border Railway Services (Working Time) Regulations 2008, SCHEDULE 3. (See end of Document for details)

3. In the Employment Act 2002 ^{M5} at the end of each of the following Schedules ^{M6}—
- (a) Schedule 3 (tribunal jurisdictions to which section 31 applies for adjustment of awards for non-completion of statutory procedure);
 - (b) Schedule 4 (tribunal jurisdictions to which section 32 applies for complaints where the employee must first submit a statement of grievance to employer); and
 - (c) Schedule 5 (tribunal jurisdictions to which section 38 applies in relation to proceedings where the employer has failed to give a statement of employment particulars);

there is inserted—

“Regulation 17 of the Cross-border Railways Services (Working Time) Regulations 2008 (breach of regulations)”.

Marginal Citations

M5 [2002 c.22](#).

M6 [Schedules 3, 4](#) and 5 have been amended on a number of occasions to list additional tribunal jurisdictions.

4. In regulation 18 of the Working Time Regulations 1998 ^{M7} there is inserted at the end—

“(5) Regulation 24 does not apply to workers to whom the Cross-border Railways Services (Working Time) Regulations 2008 apply.”.

Marginal Citations

M7 [S.I. 1998/1833](#), amended by [S.I. 2003/1684](#); there are other amending instruments but none is relevant

Changes to legislation:

There are currently no known outstanding effects for the The Cross-border Railway Services (Working Time) Regulations 2008, SCHEDULE 3.