

2015 No. 2054

TERMS AND CONDITIONS OF EMPLOYMENT

**The Employment Tribunals Act 1996 (Application of
Conciliation Provisions) Order 2015**

<i>Made</i> - - - -	<i>15th December 2015</i>
<i>Laid before Parliament</i>	<i>17th December 2015</i>
<i>Coming into force</i> - -	<i>11th January 2016</i>

The Secretary of State and the Lord Chancellor, acting jointly, in exercise of the powers conferred by section 18(8) and (9) of the Employment Tribunals Act 1996(a), make the following Order.

Citation and commencement

1. This Order may be cited as the Employment Tribunals Act 1996 (Application of Conciliation Provisions) Order 2015 and comes into force on 11th January 2016.

Amendment to the Employment Tribunals Act 1996

- 2.—(1) The Employment Tribunals Act 1996 is amended in accordance with paragraph (2).
- (2) In section 18 (conciliation: relevant proceedings etc), in subsection (1)—
- (a) omit the word “or” at the end of paragraph (z1);
 - (b) at the end of paragraph (z2) insert—
“, or
(z3) under regulation 3 of the Exclusivity Terms in Zero Hours Contracts (Redress) Regulations 2015.”.

Amendment to the Exclusivity Terms in Zero Hours Contracts (Redress) Regulations 2015

- 3.—(1) The Exclusivity Terms in Zero Hours Contracts (Redress) Regulations 2015(b) are amended in accordance with paragraphs (2) and (3).
- (2) In regulation 3 (complaints to employment tribunals) after paragraph (2) insert—
“(2A) Regulation 3A (extension of time limit to facilitate conciliation before institution of proceedings) applies for the purposes of paragraph (2).”.
- (3) After regulation 3 (complaints to employment tribunals) insert—

(a) 1996 c.17; by virtue of section 1 of the Employment Rights (Dispute Resolution) Act 1998 (c.8) industrial tribunals were renamed employment tribunals and references to “industrial tribunal” or “industrial tribunals” in any enactment were substituted with “employment tribunal” and “employment tribunals”. Section 18(8) was amended by the Tribunals, Courts and Enforcement Act 2007 (c.15), Schedule 8, paragraphs 35 and 38, and the Enterprise and Regulatory Reform Act 2013 (c.24), section 9; section 18(9) was inserted by the Enterprise and Regulatory Reform Act 2013, section 9.

(b) S.I. 2015/2021.

“Extension of time limit to facilitate conciliation before institution of proceedings

3A.—(1) In this regulation—

- (a) Day A is the day on which the worker concerned complies with the requirement in subsection (1) of section 18A of the Employment Tribunals Act 1996 (requirement to contact ACAS before instituting proceedings) in relation to the matter in respect of which the proceedings are brought, and
- (b) Day B is the day on which the worker concerned receives or, if earlier, is treated as receiving (by virtue of regulations made under subsection (11) of that section) the certificate issued under subsection (4) of that section.

(2) In working out when the time limit set by regulation 3(2) expires the period beginning with the day after Day A and ending with Day B is not to be counted.

(3) If the time limit set by regulation 3(2) would (if not extended by this paragraph) expire during the period beginning with Day A and ending one month after Day B, the time limit expires instead at the end of that period.

(4) The power conferred on the employment tribunal by regulation 3(3) to extend the time limit set by paragraph (2) of that regulation is exercisable in relation to that time limit as extended by this regulation.”.

14th December 2015

Nick Boles
Minister of State for Skills
Department for Business, Innovation and Skills

15th December 2015

Shailesh Vara
Parliamentary Under Secretary of State for Courts and Legal Aid
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends section 18(1) of the Employment Tribunals Act 1996 and makes amendments to the Exclusivity Terms in Zero Hours Contracts (Redress) Regulations 2015.

Section 18(1) of the Employment Tribunals Act 1996 sets out “relevant proceedings” for the purposes of early conciliation and other conciliation services provided by the Advisory, Conciliation and Arbitration Service. This Order adds proceedings under regulation 3 of the Exclusivity Terms in Zero Hours Contracts (Redress) Regulations 2015 to the list of relevant proceedings under section 18(1).

This Order also makes amendments to the limitation period provided for in the Exclusivity Terms in Zero Hours Contracts (Redress) Regulations 2015 to reflect the amendment made to section 18 of the Employment Tribunals Act 1996.

An impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Department for Business, Innovation and Skills and is annexed to the Explanatory Memorandum which is available alongside the instrument on www.legislation.gov.uk.

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