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DRAFT STATUTORY INSTRUMENTS

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**2010 No.**

**The Employment Relations Act  
1999 (Blacklists) Regulations 2010**

*Detriment*

**Time limit for proceedings under regulation 9**

**10.**—(1) Subject to paragraph (2), an employment tribunal shall not consider a complaint under regulation 9 unless it is presented before the end of the period of three months beginning with the date of the act or failure to which the complaint relates or, where that act or failure is part of a series of similar acts or failures (or both) the last of them.

(2) An employment tribunal may consider a complaint under regulation 9 that is otherwise out of time if, in all the circumstances of the case, it considers that it is just and equitable to do so.

(3) For the purposes of paragraph (1)—

- (a) where an act extends over a period, the reference to the date of the act is a reference to the last day of the period;
- (b) a failure to act shall be treated as done when it was decided on.

(4) For the purposes of paragraph (3), in the absence of evidence establishing the contrary D shall be taken to decide on a failure to act—

- (a) when D does an act which is inconsistent with doing the failed act, or
- (b) if D has done no such inconsistent act, when the period expires within which D might reasonably have been expected to do the failed act if it was done.