



# Employment Tribunals Act 1996

## 1996 CHAPTER 17

### <sup>F1</sup>PART I

#### [<sup>F1</sup>EMPLOYMENT TRIBUNALS]

##### *Conciliation*

#### **18 Conciliation [<sup>F1</sup>: relevant proceedings etc.].**

<sup>F2</sup>(1) In this section and sections 18A to 18C “relevant proceedings” means employment tribunal proceedings—

- <sup>F3</sup>(a) under section 66, 68A, 70C, 87, 137, 138, 145A, 145B, 146, 168, 168A, 169, 170, 174, 189 or 192 of, or paragraph 156 of Schedule A1 to, the Trade Union and Labour Relations (Consolidation) Act 1992,
- (b) under section 11, 23, [<sup>F4</sup>27K, 27N,] 34, 63I, 70, 70A, 80(1), 80H, 93, 111, 163 or 177 of the Employment Rights Act 1996, or under Part 5 or 6 of that Act,
- (c) under section 11, 19D(1)(a) or 24 of the National Minimum Wage Act 1998,
- (d) under section 56 of the Pensions Act 2008,
- (e) under section 120 or 127 of the Equality Act 2010,
- (f) under regulation 11 of the Safety Representatives and Safety Committees Regulations 1977,
- (g) under article 6 of the Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994,
- (h) under article 6 of the Employment Tribunals Extension of Jurisdiction (Scotland) Order 1994,
- (i) under paragraph 2 of Schedule 2 to the Health and Safety (Consultation with Employees) Regulations 1996,
- (j) under regulation 30 of the Working Time Regulations 1998,
- (k) under regulation 27 or 32 of the Transnational Information and Consultation of Employees Regulation 1999,
- (l) under regulation 8 of the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000,

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- (m) under regulation 7 or 9 of the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002,
- [<sup>F5</sup>(n) under regulation 26 of the Merchant Shipping (Maritime Labour Convention) (Hours of Work) Regulations 2018 (S.I. 2018/58).]
- (o) under regulation 15 of the Flexible Working (Procedural Requirements) Regulations 2002,
- (p) under regulation 18 of the Merchant Shipping (Working Time: Inland Waterways) Regulations 2003,
- (q) under regulation 18 of the Civil Aviation (Working Time) Regulations 2004,
- (r) under regulation 19 of the Fishing Vessels (Working Time: Sea-fishermen) Regulations 2004,
- (s) under regulation 29 or 33 of the Information and Consultation of Employees Regulations 2004,
- (t) under paragraphs 4 or 8 of the Schedule to the Occupational and Personal Pension Schemes (Consultation by Employers and Miscellaneous Amendment) Regulations 2006,
- (u) under regulation 30 or 34 of the European Cooperative Society (Involvement of Employees) Regulations 2006,
- <sup>F6</sup>(v) .....
- (w) under regulation 17 of the Cross-border Railway Services (Working Time) Regulations 2008,
- (x) under regulation 9 of Ecclesiastical Offices (Terms of Service) Regulations 2009,
- (y) under regulation 28 or 32 of the European Public Limited-Liability Company (Employee Involvement) (Great Britain) Regulations 2009,
- (z) under regulation 18 of the Agency Workers Regulations 2010,
- (z1) under regulation 17 of the Employee Study and Training (Procedural Requirements) Regulations 2010, <sup>F7</sup> ...
- (z2) under regulation 5, 6 or 9 of the Employment Relations Act 1999 (Blacklists) Regulations 2010][<sup>F8</sup>, <sup>F9</sup> ...
- (z3) under regulation 3 of the Exclusivity Terms in Zero Hours Contracts (Redress) Regulations 2015][<sup>F10</sup>, <sup>F11</sup> ...
- (z4) under regulation 6 of the Posted Workers (Enforcement of Employment Rights) Regulations 2016][<sup>F12</sup>, <sup>F13</sup> ...
- (z5) under regulation 4 of the Employment Rights Act 1996 (NHS Recruitment – Protected Disclosure) Regulations 2018][<sup>F14</sup>, <sup>F15</sup> ...
- (z6) under paragraph (3) of regulation 4 or paragraph (6) of regulation 5 of the Agency Workers (Amendment) Regulations 2019][<sup>F16</sup>, or
- (z7) under regulation 8 of the Exclusivity Terms for Zero Hours Workers (Unenforceability and Redress) Regulations 2022.]

[<sup>F17</sup>(1A) Sections 18A and 18B apply in the case of matters which could be the subject of relevant proceedings, and section 18C applies in the case of relevant proceedings themselves.]

<sup>F18</sup>(2) .....

<sup>F19</sup>(2A) .....

<sup>F18</sup>(3) .....

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<sup>F18</sup>(4) .....

<sup>F18</sup>(5) .....

(6) In proceeding under [<sup>F20</sup>any of sections 18A to 18C] a conciliation officer shall, where appropriate, have regard to the desirability of encouraging the use of other procedures available for the settlement of grievances.

(7) Anything communicated to a conciliation officer in connection with the performance of his functions under [<sup>F20</sup>any of sections 18A to 18C] shall not be admissible in evidence in any proceedings before an [<sup>F21</sup>employment tribunal], except with the consent of the person who communicated it to that officer.

(8) The Secretary of State [<sup>F22</sup>and the Lord Chancellor, acting jointly,] may by order [<sup>F23</sup>amend the definition of “relevant proceedings” in subsection (1) by adding to or removing from the list in that subsection particular types of employment tribunal proceedings.]

[<sup>F24</sup>(9) An order under subsection (8) that adds employment tribunal proceedings to the list in subsection (1) may amend an enactment so as to extend the time limit for instituting those proceedings in such a way as appears necessary or expedient in order to facilitate the conciliation process provided for by section 18A.

(10) An order under subsection (8) that removes employment tribunal proceedings from the list in subsection (1) may—

- (a) repeal or revoke any provision of an enactment that, for the purpose mentioned in subsection (9), extends the time limit for instituting those proceedings;
- (b) make further amendments which are consequential on that repeal or revocation.]

#### Textual Amendments

**F1** Words in s. 18 heading inserted (6.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 1 para. 5(2)**; S.I. 2014/253, art. 3(f)

**F2** Words in s. 18(1) substituted (6.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 1 para. 5(3)**; S.I. 2014/253, art. 3(f)

**F3** S. 18(1)(a)-(z2) substituted for s. 18(1)(a)-(y) (6.4.2014) by The Employment Tribunals Act 1996 (Application of Conciliation Provisions) Order 2014 (S.I. 2014/431), arts. 1, 2

**F4** Words in s. 18(1)(b) inserted (31.7.2023 for specified purposes) by Employment (Allocation of Tips) Act 2023 (c. 13), **ss. 12(3)(b)**, 14(2); S.I. 2023/876, reg. 3(c)

**F5** S. 18(1)(n) substituted (6.4.2018) by The Merchant Shipping (Maritime Labour Convention) (Hours of Work) Regulations 2018 (S.I. 2018/58), reg. 1, **Sch. 2 para. 1(a)** (with regs. 3, 4)

**F6** S. 18(1)(v) omitted (31.12.2020) by virtue of The Companies, Limited Liability Partnerships and Partnerships (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/348), reg. 2, **Sch. 3 para. 3**; 2020 c. 1, Sch. 5 para. 1(1)

**F7** Word in s. 18(1) omitted (11.1.2016) by virtue of The Employment Tribunals Act 1996 (Application of Conciliation Provisions) Order 2015 (S.I. 2015/2054), arts. 1, **2(2)(a)**

**F8** S. 18(1)(z3) and word inserted (11.1.2016) by The Employment Tribunals Act 1996 (Application of Conciliation Provisions) Order 2015 (S.I. 2015/2054), arts. 1, **2(2)(b)**

**F9** Word in s. 18(1) omitted (18.6.2016) by virtue of The Posted Workers (Enforcement of Employment Rights) Regulations 2016 (S.I. 2016/539), regs. 1(1), **10(2)(a)**

**F10** S. 18(1)(z4) and word inserted (18.6.2016) by The Posted Workers (Enforcement of Employment Rights) Regulations 2016 (S.I. 2016/539), regs. 1(1), **10(2)(b)**

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- F11** Word in s. 18(1)(z3) omitted (23.5.2018) by virtue of The Employment Rights Act 1996 (NHS Recruitment Protected Disclosure) Regulations 2018 (S.I. 2018/579), regs. 1(2), **10(4)(a)**
- F12** Word in s. 18(1) omitted (6.4.2020) by virtue of The Agency Workers (Amendment) Regulations 2019 (S.I. 2019/724), regs. 1(1), **8(4)(a)** (with reg. 7)
- F13** S. 18(1)(z5) and word inserted (23.5.2018) by The Employment Rights Act 1996 (NHS Recruitment Protected Disclosure) Regulations 2018 (S.I. 2018/579), regs. 1(2), **10(4)(b)**
- F14** S. 18(1)(z6) and word inserted (6.4.2020) by The Agency Workers (Amendment) Regulations 2019 (S.I. 2019/724), regs. 1(1), **8(4)(b)** (with reg. 7)
- F15** Word in s. 18(1)(z5) omitted (5.12.2022) by virtue of The Employment Tribunals Act 1996 (Application of Conciliation Provisions) Order 2022 (S.I. 2022/1181), arts. 1(2), **2(2)(a)**
- F16** S. 18(1)(z7) and word inserted (5.12.2022) by The Employment Tribunals Act 1996 (Application of Conciliation Provisions) Order 2022 (S.I. 2022/1181), arts. 1(2), **2(2)(b)**
- F17** S. 18(1A) inserted (6.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 1 para. 5(7)**; S.I. 2014/253, art. 3(f)
- F18** S. 18(2)-(5) omitted (6.4.2014) by virtue of Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 1 para. 5(8)**; S.I. 2014/253, art. 3(f) (with art. 5(2))
- F19** S. 18(2A) repealed (6.4.2009) by Employment Act 2008 (c. 24), ss. 6(1), 22(1)(a), **Sch. Pt. 1**; S.I. 2008/3232, art. 2 (with art. 3, Sch.)
- F20** Words in s. 18(6)(7) substituted (6.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 1 para. 5(9)**; S.I. 2014/253, art. 3(f) (with art. 5(1))
- F21** Words in s. 18 substituted (1.8.1998) by 1998 c. 8, s. **1(2)(a)** (with s. 16(2)); S.I. 1998/1658, art. 2(1), **Sch. 1**
- F22** Words in s. 18(8) inserted (1.12.2007) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 48(1), 148, **Sch. 8 para. 38**; S.I. 2007/2709, **art. 4**
- F23** Words in s. 18(8) substituted for s. 18(8)(a)(b) (25.4.2013 for specified purposes, 6.4.2014 in so far as not already in force) by Enterprise and Regulatory Reform Act 2013 (c. 24), **ss. 9(2)**, 103(1)(i)(3); S.I. 2014/253, art. 3(d)
- F24** S. 18(9)(10) inserted (25.4.2013 for specified purposes, 6.4.2014 in so far as not already in force) by Enterprise and Regulatory Reform Act 2013 (c. 24), **ss. 9(3)**, 103(1)(i)(3); S.I. 2014/253, art. 3(d)

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**Modifications etc. (not altering text)**

- C1** S. 18 applied (6.4.2006 with application as mentioned in reg. 21(1) of the applying S.I.) by The Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246), **reg. 16(1)** (with reg. 21(5))  
S. 18 applied (6.4.2006 with application as mentioned in reg. 21(1) of the applying S.I.) by The Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246), **reg. 12(7)**

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**Changes and effects yet to be applied to :**

- s. 18(1)(b) word inserted by [2013 c. 24 Sch. 1 para. 5\(4\)\(a\)](#)
- s. 18(1)(b) words inserted by [2013 c. 24 Sch. 1 para. 5\(4\)\(b\)](#)
- s. 18(1)(b) words inserted by [2023 c. 46 Sch. para. 2](#)
- s. 18(1)(f)(n) omitted by [2013 c. 24 Sch. 1 para. 5\(6\)](#)
- s. 18(1)(dd) word substituted by [2013 c. 24 Sch. 1 para. 5\(5\)](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 7A(2F) inserted by [2022 c. 35 Sch. 4 para. 1\(2\)](#)
- s. 7B(A1) inserted by [2022 c. 35 Sch. 5 para. 4\(2\)](#)
- s. 9(2ZA) inserted by [2022 c. 35 Sch. 5 para. 5\(5\)](#)
- s. 9(5) inserted by [2022 c. 35 Sch. 5 para. 5\(9\)](#)
- s. 10(10) inserted by [2022 c. 35 Sch. 5 para. 6\(4\)](#)
- s. 29A(11) inserted by [2022 c. 35 Sch. 4 para. 1\(3\)](#)
- s. 30A inserted by [2022 c. 35 Sch. 5 para. 19](#)
- s. 37QA and cross-heading inserted by [2022 c. 35 s. 34\(4\)](#)
- s. 37QB inserted by [2022 c. 35 Sch. 5 para. 24](#)
- Sch. A1 para. 21A inserted by [2022 c. 35 Sch. 4 para. 1\(4\)](#)
- Sch. A1 inserted by [2022 c. 35 Sch. 5 para. 1](#)