Employment Tribunals Act 1996

1996 CHAPTER 17

[F1PART 2A

FINANCIAL PENALTIES FOR FAILURE TO PAY SUMS ORDERED TO BE PAID OR SETTLEMENT SUMS

[F1 37I Withdrawal of warning notice

(1) Where—

(a) a warning notice has been given (and not already withdrawn),

(b) it appears to an enforcement officer that—

(i) the notice incorrectly omits any statement or is incorrect in any particular, or

(ii) the warning notice was given in contravention of section 37E(3), and

(c) if a penalty notice has been given in relation to the warning notice, any appeal made under section 37G(1) has not been determined,

the officer may withdraw the warning notice by giving notice of withdrawal to the employer.

(2) Where a warning notice is withdrawn, no penalty notice may be given in relation to it.

(3) Where a warning notice is withdrawn after a penalty notice has been given in relation to it—

(a) the penalty notice ceases to have effect;

(b) any sum paid by or recovered from the employer by way of financial penalty payable under the penalty notice must be repaid to the employer with interest at the appropriate rate running from the date when the sum was paid or recovered;

(c) any appeal under section 37G(1) relating to the penalty notice must be dismissed.

(4) In subsection (3)(b), the appropriate rate means the rate that, on the date the sum was paid or recovered, was specified in section 17 of the Judgments Act 1838.

Changes to legislation: *Employment Tribunals Act 1996, Section 37I is up to date with all changes known to be in force on or before 18 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) A notice of withdrawal under this section must indicate the effect of the withdrawal (but a failure to do so does not make the notice of withdrawal ineffective).

(6) Withdrawal of a warning notice relating to a relevant sum does not preclude a further warning notice being given in relation to that sum (subject to section 37E(3)).**]**

Textual Amendments

F1 Pt. 2A inserted (6.4.2016) by Small Business, Enterprise and Employment Act 2015 (c. 26), **ss. 150(2)**, 164(1) (with s. 150(8)); S.I. 2016/321, reg. 3(d)

Changes to legislation:
Employment Tribunals Act 1996, Section 37I is up to date with all changes known to be in force on or before 18 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

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. 29A(11) inserted by 2022 c. 35 Sch. 4 para. 1(3)
- s. 30A inserted by 2022 c. 35 Sch. 5 para. 19
- Sch. A1 para. 21A inserted by 2022 c. 35 Sch. 4 para. 1(4)