



Employment Rights Act 1996

1996 CHAPTER 18

PART XIII

MISCELLANEOUS

CHAPTER II

OTHER MISCELLANEOUS MATTERS

Modifications of Act

208 Review of limits.

- (1) The Secretary of State shall in each calendar year review—
 - (a) the limits specified in section 31,
 - (b) the limit specified in section 186(1), and
 - (c) the limits imposed by subsection (1) of section 227 for the purposes specified in paragraphs (a) to (c) of that subsection,and shall determine whether any of those limits should be varied.
- (2) In making a review under subsection (1) the Secretary of State shall consider—
 - (a) the general level of earnings obtaining in Great Britain at the time of the review,
 - (b) the national economic situation as a whole, and
 - (c) such other matters as he thinks relevant.
- (3) If on a review under subsection (1) the Secretary of State determines that, having regard to the considerations mentioned in subsection (2), any of the limits specified in subsection (1) should be varied, he shall prepare and lay before each House of Parliament the draft of an order giving effect to his decision.

Status: Point in time view as at 25/10/1999.

Changes to legislation: Employment Rights Act 1996, Cross Heading: Modifications of Act is up to date with all changes known to be in force on or before 24 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)

- (4) Where a draft of an order under this section is approved by resolution of each House of Parliament the Secretary of State shall make an order in the form of the draft.
- (5) If, following the completion of a review under subsection (1), the Secretary of State determines that any of the limits referred to in that subsection should not be varied, he shall lay before each House of Parliament a report containing a statement of his reasons for that determination.
- (6) The Secretary of State may at any time, in addition to the annual review provided by in subsection (1), conduct a further review of the limits specified in subsection (1) so as to determine whether any of them should be varied.
- (7) Subsections (2) to (4) shall apply to a review under subsection (6) as if it were a review under subsection (1).

209 Powers to amend Act.

- (1) The Secretary of State may by order—
 - (a) provide that any provision of this Act, other than any to which this paragraph does not apply, which is specified in the order shall not apply to persons, or to employments, of such classes as may be prescribed in the order,
 - (b) provide that any provision of this Act, other than any to which this paragraph does not apply, shall apply to persons or employments of such classes as may be prescribed in the order subject to such exceptions and modifications as may be so prescribed, or
 - (c) vary, or exclude the operation of, any of the provisions to which this paragraph applies.
- (2) Subsection (1)(a) does not apply to—
 - (a) Parts II and IV,
 - (b) in Part V, sections 45 and 46, and sections 48 and 49 so far as relating to those sections,
 - (c) in Part VI, sections 58 to 60,
 - (d) in Part IX, sections 87(3), 88 to 90, 91(1) to (4) and (6) and 92(6) to (8),
 - (e) in Part X, sections 95, 97(1) to (5), 98(1) to (4) and (6), 100, 101, [F1 101A,] 102, 103, 105, 107, 110, 111, 120(2), 124(1), (2) and (5), 125(7) and 134,
 - (f) in Part XI, sections 143, 144, 160(2) and (3), 166 to 173 and 177 to 180,
 - (g) in Part XIII, sections F2 . . . F3 . . . ,
 - (h) Chapter I of Part XIV, or
 - (j) in Part XV, section 236(3) so far as relating to sections 120(2), 124(2) and 125(7).
- (3) Subsection (1)(b) does not apply to—
 - (a) any of the provisions to which subsection (1)(a) does not apply,
 - (b) sections 1 to 7, or
 - (c) the provisions of sections 86 to 91 not specified in subsection (2).
- (4) The provision which may be made by virtue of paragraph (b) of subsection (1) in relation to section 94 does not include provision for application subject to exceptions or modifications; but this subsection does not prejudice paragraph (a) of that subsection.

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(5) Subsection (1)(c) applies to sections 29(2), 65(2), 86(5), 92(3), 108(1), 109(1), 159, 160(1), 196(2), (3) and (5) and 199(1), (2), (4) and (5).

(6) The Secretary of State may by order amend any of—

- (a) sections 84, 85, 97(6), 98(5) and 99(4),
- (b) sections 108(3), 109(2) and 110(2) so far as relating to section 84, and
- (c) sections 114(5), 115(4), 119(6), 127, 137(2), 145(7), 146(3), 156(2), 157(6), 162(7), 196(4), 199(3), 226(3)(a) and (5)(a) and 227(4)(a),

or modify the application of any of those provisions to any description of case.

^{F4}(7)

(8) The provisions of this section are without prejudice to any other power of the Secretary of State to amend, vary or repeal any provision of this Act or to extend or restrict its operation in relation to any person or employment.

Textual Amendments

- F1** Words in s. 209(2)(e) inserted (1.10.1998) by S.I. 1998/1833, **reg. 32(7)**
- F2** Words in s. 209(2)(g) repealed (25.10.1999) by virtue of 1999 c. 26, s. 44, **Sch. 9(9)**; S.I. 1999/2830, art. 2(3), **Sch. 2 Pt. I**
- F3** Words in s. 209(2)(g) repealed (25.10.1999) by 1999 c. 26, s. 44, **Sch. 9(3)**; S.I. 1999/2830, art. 2(3), **Sch. 2 Pt. I** (with Sch. 3 para. 2(2))
- F4** S. 209(7) repealed and superseded (25.10.1999) by 1999 c. 26, ss. 23(6), 44, **Sch. 9(4)**; S.I. 1999/2830, art. 2(1)(3), Sch. 1 Pt. I, **Sch. 2 Pt. I**

Status:

Point in time view as at 25/10/1999.

Changes to legislation:

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