

Changes to legislation: There are currently no known outstanding effects for the Employment Rights (Dispute Resolution) Act 1998, Cross Heading: The Employment Rights Act 1996 (c.18). (See end of Document for details)

SCHEDULES

SCHEDULE 1

MINOR AND CONSEQUENTIAL AMENDMENTS

Extent Information

E1 For the extent of Sch. 1, see [s. 16\(1\)\(3\)](#)

The Employment Rights Act 1996 (c.18)

18 In section 23 of the Employment Rights Act 1996 (which makes provision for complaints to an employment tribunal in respect of unlawful deductions from wages etc.), at the end insert—

“(5) No complaint shall be presented under this section in respect of any deduction made in contravention of section 86 of the ^{M1}Trade Union and Labour Relations (Consolidation) Act 1992 (deduction of political fund contribution where certificate of exemption or objection has been given).”

Marginal Citations

M1 [1992 c. 52.](#)

^{F1}19

Textual Amendments

F1 [Sch. 1 paras. 19-21](#) repealed (1.11.2004) by [Employment Act 2002 \(c. 22\)](#), s. 55(2), [Sch. 8\(1\)](#); [S.I. 2004/2822](#), art. 2(b)

^{F1}20

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22 In section 122 of that Act (which makes provision for the reduction of the amount of a basic award of compensation for unfair dismissal), after subsection (3) insert—

“(3A) Where the complainant has been awarded any amount in respect of the dismissal under a designated dismissal procedures agreement, the tribunal shall reduce or further reduce the amount of the basic award to such extent as it considers just and equitable having regard to that award.”

F223

Textual Amendments

F2 Sch. 1 para. 23 repealed (1.11.2004) by [Employment Act 2002 \(c. 22\)](#), s. 55(2), [Sch. 8\(1\)](#); S.I. 2004/2822, art. 2(b)

24 (1) Section 203 of that Act (which restricts contracting out of the provisions of the Act) is amended as follows.

(2) In subsection (3)(b) (which provides that a compromise agreement must relate to the particular complaint), for “complaint” substitute “proceedings”.

(3) For subsection (4) substitute—

“(3A) A person is a relevant independent adviser for the purposes of subsection (3) (c)—

- (a) if he is a qualified lawyer,
- (b) if he is an officer, official, employee or member of an independent trade union who has been certified in writing by the trade union as competent to give advice and as authorised to do so on behalf of the trade union,
- (c) if he works at an advice centre (whether as an employee or a volunteer) and has been certified in writing by the centre as competent to give advice and as authorised to do so on behalf of the centre, or
- (d) if he is a person of a description specified in an order made by the Secretary of State.

(3B) But a person is not a relevant independent adviser for the purposes of subsection (3)(c) in relation to the employee or worker—

- (a) if he is, is employed by or is acting in the matter for the employer or an associated employer,
- (b) in the case of a person within subsection (3A)(b) or (c), if the trade union or advice centre is the employer or an associated employer,
- (c) in the case of a person within subsection (3A)(c), if the employee or worker makes a payment for the advice received from him, or
- (d) in the case of a person of a description specified in an order under subsection (3A)(d), if any condition specified in the order in relation to the giving of advice by persons of that description is not satisfied.

(4) In subsection (3A)(a) “qualified lawyer” means—

- (a) as respects England and Wales, a barrister (whether in practice as such or employed to give legal advice), a solicitor who holds a practising certificate, or a person other than a barrister or solicitor

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- who is an authorised advocate or authorised litigator (within the meaning of the ^{M2}Courts and Legal Services Act 1990), and
- (b) as respects Scotland, an advocate (whether in practice as such or employed to give legal advice), or a solicitor who holds a practising certificate.”

Marginal Citations

M2 1990 c. 41.

- 25 (1) Section 219 of that Act (which enables the making of regulations for preserving continuity of employment etc. in the case of a person who is dismissed and then reinstated or re-engaged in consequence of action to which subsection (2) of the section applies) is amended as follows.
- (2) In subsection (1)—
- (a) omit “, in consequence of action to which subsection (2) applies,”,
- (b) for “or re-engaged” substitute “, re-engaged or otherwise re-employed”, and
- (c) at the end insert “ in any circumstances prescribed by the regulations. ”
- (3) Omit subsections (2) to (4).

^{F3}26

Textual Amendments

F3 Sch. 1 para. 26 repealed (1.11.2004) by [Employment Act 2002 \(c. 22\)](#), s. 55(2), [Sch. 8\(1\)](#); S.I. 2004/2822, art. 2(b)

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