

SCHEDULES

SCHEDULE 1

MINOR AND CONSEQUENTIAL AMENDMENTS

The Employment Rights Act 1996 (c. 18)

- 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 who is an authorised advocate or authorised litigator (within the meaning of the Courts and Legal Services Act 1990), and

Status: This is the original version (as it was originally enacted).

- (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.”