

SCHEDULES

SCHEDULE 3

Section 16(2)

FINANCIAL PENALTIES: MINOR AND CONSEQUENTIAL AMENDMENTS

Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)

- 1 In section 138 of the Trade Union and Labour Relations (Consolidation) Act 1992 (refusal of service of employment agency on grounds related to union membership), after subsection (2) insert—

“(2A) Section 12A of the Employment Tribunals Act 1996 (financial penalties) applies in relation to a complaint under this section as it applies in relation to a claim involving an employer and a worker (reading references to an employer as references to the employment agency and references to a worker as references to the complainant).”

Employment Tribunals Act 1996 (c. 17)

- 2 The Employment Tribunals Act 1996 is amended as follows.

- 3 Before section 13 insert—

“Costs etc, interest and enforcement”.

- 4 (1) In section 41 (orders, regulations and rules), in subsection (2) (orders etc subject to affirmative resolution procedure), after “4(4) or (6D)” insert “, 12A(12)”.
(2) If this paragraph comes into force before section 11, sub-paragraph (1) has effect as if “4(4)” were substituted for “4(4) or (6D)”.

Employment Rights Act 1996 (c. 18)

- 5 In section 201 of the Employment Rights Act 1996 (power to extend employment legislation to offshore employment), after subsection (3) insert—

“(3A) Where an Order in Council under this section confers jurisdiction on an employment tribunal, the jurisdiction conferred includes power to make an order under section 12A of the Employment Tribunals Act 1996 (financial penalties), and that section applies accordingly.”

Agency Workers Regulations 2010 (S.I. 2010/93)

- 6 In regulation 18 of the Agency Workers Regulations 2010 (complaints to employment tribunals etc), after paragraph (14) insert—

“(14A) In relation to an infringement or breach for which a tribunal orders a respondent to pay compensation under paragraph (8)(b), the tribunal may order the respondent also to pay a penalty under section 12A of

Status: This is the original version (as it was originally enacted).

the Employment Tribunals Act 1996 only if the tribunal decides not to exercise the power under paragraph (14) to make an additional award of compensation against the respondent.”