
STATUTORY INSTRUMENTS

2004 No. 754

TERMS AND CONDITIONS OF EMPLOYMENT

**The Compromise Agreements
(Description of Person) Order 2004**

<i>Made</i>	- - - -	<i>12th March 2004</i>
<i>Laid before Parliament</i>		<i>15th March 2004</i>
<i>Coming into force</i>	- -	<i>6th April 2004</i>

The Secretary of State, in exercise of the powers conferred upon her by section 77(4B)(d) of the Sex Discrimination Act 1975(1), section 72(4B)(d) of the Race Relations Act 1976(2), section 288(4)(d) of the Trade Union and Labour Relations (Consolidation) Act 1992(3), section 9(4)(d) of the Disability Discrimination Act 1995(4), section 203(3A)(d) of the Employment Rights Act 1996(5), and section 49(5)(d) of the National Minimum Wage Act 1998(6), hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as The Compromise Agreements (Description of Person) Order 2004 and shall come into force on 6th April 2004.

(2) In this Order—

- (a) “the 1975 Act” means the Sex Discrimination Act 1975;
- (b) “the 1976 Act” means the Race Relations Act 1976;
- (c) “the 1992 Act” means the Trade Union and Labour Relations (Consolidation) Act 1992;
- (d) “the 1995 Act” means the Disability Discrimination Act 1995;
- (e) “the 1996 Act” means the Employment Rights Act 1996; and
- (f) “the 1998 Act” means the National Minimum Wage Act 1998.

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- (1) 1975 c. 65. Section 77(4B) was substituted by the Employment Rights (Dispute Resolution) Act 1998 (c. 8), section 15 and Schedule 1, paragraph 2.
 - (2) 1976 c. 74. Section 72(4B) was substituted by the Employment Rights (Dispute Resolution) Act 1998, section 15 and Schedule 1, paragraph 3.
 - (3) 1992 c. 52. Section 288(4) was substituted by the Employment Rights (Dispute Resolution) Act 1998, section 15 and Schedule 1, paragraphs 9(1) and 9(3).
 - (4) 1995 c. 50. Section 9(4) was substituted by the Employment Rights (Dispute Resolution) Act 1998, section 15 and Schedule 1, paragraph 11.
 - (5) 1996 c. 18. Section 203(3A) was substituted by the Employment Rights (Dispute Resolution) Act 1998, section 15 and Schedule 1, paragraphs 24(1) and 24(3).
 - (6) 1998 c. 39.

Person specified

2. For the purposes of section 77(4B)(d) of the 1975 Act, section 72(4B)(d) of the 1976 Act, section 288(4)(d) of the 1992 Act, section 9(4)(d) of the 1995 Act, section 203(3A)(d) of the 1996 Act and section 49(5)(d) of the 1998 Act, a Fellow of the Institute of Legal Executives employed by a solicitors' practice is specified.

Condition specified

3. For the purposes of section 77(4BA)(d) of the 1975 Act(7), section 72(4BA)(d) of the 1976 Act(8), section 288(4A)(d) of the 1992 Act(9), section 9(4A)(d) of the 1995 Act(10), section 203(3B)(d) of the 1996 Act(11) and section 49(6)(d) of the 1998 Act, the condition specified is that a person of the description specified in accordance with article 2 is supervised when giving advice by a solicitor who has in force a practising certificate issued by the Law Society of England and Wales.

Gerry Sutcliffe,
Parliamentary Under-Secretary of State for
Employment Relations, Competition and
Consumers,
Department of Trade and Industry

12th March 2004

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- (7) Section 77(4BA) was substituted by the Employment Rights (Dispute Resolution) Act 1998, section 15 and Schedule 1, paragraph 2.
- (8) Section 72(4BA) was substituted by the Employment Rights (Dispute Resolution) Act 1998, section 15 and Schedule 1, paragraph 3.
- (9) Section 288(4A) was substituted by the Employment Rights (Dispute Resolution) Act 1998, section 15 and Schedule 1, paragraphs 9(1) and 9(3).
- (10) Section 9(4A) was substituted by the Employment Rights (Dispute Resolution) Act 1998, section 15 and Schedule 1, paragraph 11.
- (11) Section 203(3B) was substituted by the Employment Rights (Dispute Resolution) Act 1998, section 15 and Schedule 1, paragraphs 24(1) and 24(3).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under relevant powers contained in the Sex Discrimination Act 1975, the Race Relations Act 1976, the Trade Union and Labour Relations (Consolidation) Act 1992, the Disability Discrimination Act 1995, the Employment Rights Act 1996 and the National Minimum Wage Act 1998. It extends the category of person validly able to give advice in relation to compromise agreements under these Acts, and under the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 ([SI 2000/1551](#)) and the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002 ([SI 2002/2034](#)), to a Fellow of the Institute of Legal Executives employed by a solicitors' practice, provided that a condition is satisfied. This condition is that such a Fellow is supervised, in relation to the giving of advice as to compromise agreements, by a solicitor holding a practising certificate issued by the Law Society of England and Wales. A Regulatory Impact Assessment has not been prepared.