
STATUTORY INSTRUMENTS

2009 No. 3274

The Employment Rights (Revision of Limits) Order 2009

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Employment Rights (Revision of Limits) Order 2009 and shall come into force on 1st February 2010.

(2) In this Order—

- (a) “the 1992 Act” means the Trade Union and Labour Relations (Consolidation) Act 1992⁽¹⁾; and
- (b) “the 1996 Act” means the Employment Rights Act 1996⁽²⁾.

Revision of limits

2. In the provisions set out in column 1 of the Schedule to this Order (generally described in column 2), for the sums specified in column 3 substitute the sums specified in column 4.

Transitional provisions

3.—(1) The substitutions made by article 2 do not have effect in relation to a case where the appropriate date falls before 1st February 2010.

(2) In this article “the appropriate date” means—

- (a) in the case of an application made under section 67(1) of the 1992 Act⁽³⁾ (compensation for unjustifiable discipline by a trade union), the date of the determination infringing the applicant’s right;
- (b) in the case of a complaint presented under section 137(2) of the 1992 Act (refusal of employment on grounds related to union membership) or section 138(2) of that Act (refusal of service of employment agency on grounds related to union membership), the date of the conduct to which the complaint relates, as determined under section 139 of that Act⁽⁴⁾;
- (c) in the case of an application made under section 176(2) of the 1992 Act⁽⁵⁾ (compensation for exclusion or expulsion from a trade union), the date of the exclusion or expulsion from the union;
- (d) in the case of an award under paragraph 159(1) of Schedule A1 to the 1992 Act⁽⁶⁾ (compensation for a worker who has been subjected to a detriment in contravention of paragraph 156 of that Schedule), where a worker has suffered a detriment that is the termination of the worker’s contract, the date of the termination;

(1) 1992 c.52. Relevant amendments to this Act are noted in the footnotes below.

(2) 1996 c.18. Relevant amendments to this Act are noted in the footnotes below.

(3) Section 67(1) was amended by the Employment Relations Act 2004, section 34(1) and (2).

(4) Sections 137(2), 138(2) and 139(1) were amended by the Employment Rights (Dispute Resolution) Act 1998 (c.8), section 1(2) (a).

(5) Section 176 was substituted by section 14 of the Trade Union Reform and Employment Rights Act 1993 (c.19). Section 176(2) was amended by the Employment Relations Act 2004, section 34(7) and (8) and Schedule 2.

(6) Schedule A1 was inserted by the Employment Relations Act 1999, section 1(1) and (3) and Schedule 1

- (e) in the case of a guarantee payment to which an employee is entitled under section 28(1) of the 1996 Act (right to guarantee payment in respect of workless day), the day in respect of which the payment is due;
- (f) in the case of an award of compensation under section 49(1)(b) of the 1996 Act(7) by virtue of section 24(2) of the National Minimum Wage Act 1998(8) (compensation for a worker who has been subjected to a detriment in contravention of section 23 of the National Minimum Wage Act 1998(9)), where a worker has suffered a detriment that is the termination of the worker's contract, the date of the termination;
- (g) in the case of an award under section 112(4) of the 1996 Act(10) (award in relation to unfair dismissal), the effective date of termination as defined by section 97 of that Act(11);
- (h) in the case of an award under section 117(1) or (3) of the 1996 Act(12) where an employer has failed to comply fully with the terms of an order for reinstatement or re-engagement or has failed to reinstate or re-engage the complainant in accordance with such an order, the date by which the order for reinstatement (specified under section 114(2)(c) of that Act) or, as the case may be, re-engagement (specified under section 115(2)(f) of that Act), should have been complied with.

Lord Young of Norwood Green
Minister of State for Employment Relations and
Postal Affairs
Department for Business, Innovation & Skills

10th December 2009

(7) Section 49(1) was amended by the Employment Rights (Dispute Resolution) Act 1998, section 1(2)(a).
(8) 1998 c.39.
(9) Section 23 was amended by the Employment Relations Act 1999, section 18(4). There is an amendment to section 23 which is not relevant to this Order.
(10) Section 112(4) was amended by the Employment Act 2002 (c.22), Schedule 7, paragraphs 24 and 36. There are amendments to section 112(4) which are not relevant to this Order.
(11) Section 97 was amended by the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002 (S.I. 2002/2034), Schedule 2, Part 1, paragraph 3(1) and (8), subject to the exceptions provided for in regulations 18-20, and section 97(6) was repealed by the Employment Relations Act 1999, Schedule 4, Part III, paragraphs 5 and 14 and Schedule 9, Table 2.
(12) Section 117(1) was amended by the Employment Rights (Dispute Resolution) Act 1998, section 1(2)(a) and section 117(3) was amended by the Employment Relations Act 1999, section 33(2) and by the Employment Act 2002, Schedule 7, paragraphs 24 and 37. There are amendments to section 117(3) which are not relevant to this Order.