



Enterprise and Regulatory Reform Act 2013

2013 CHAPTER 24

PART 2

EMPLOYMENT

Miscellaneous

21 Tribunal procedure: miscellaneous

- (1) The Employment Tribunals Act 1996 is amended as follows.
- (2) In section 9 (pre-hearing reviews and preliminary matters), in subsection (2) (deposit orders), in paragraph (a)—
 - (a) omit “, if he wishes to continue to participate in those proceedings,”;
 - (b) after “an amount not exceeding £1,000” insert “as a condition of—
 - (i) continuing to participate in those proceedings, or
 - (ii) pursuing any specified allegations or arguments”.
- (3) In section 13A (payments in respect of preparation time)—
 - (a) in subsection (3), after “shall also” insert “, subject to subsection (4), ”;
 - (b) after subsection (3) insert—
 - “(4) Subsection (3) does not require the regulations to include provision to prevent an employment tribunal from making—
 - (a) an order of the kind mentioned in subsection (1), and
 - (b) an award of the kind mentioned in section 13(1)(a) that is limited to witnesses' expenses.”
- (4) In section 42 (interpretation), in subsection (1), after the definition of “employment tribunal procedure regulations” insert—

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““representative” shall be construed in accordance with section 6(1) (in Part 1) or section 29(1) (in Part 2),”.

Commencement Information

- II** [S. 21](#) wholly in force at 25.6.2013; [s. 21](#) in force for specified purposes at Royal Assent and otherwise in force at 25.6.2013, see [s. 103\(1\)\(i\)\(2\)\(b\)](#)

22 Indexation of amounts: timing and rounding

- (1) Section 34 of the Employment Relations Act 1999 (indexation of amounts, etc) is amended as follows.
- (2) In subsection (2)—
 - (a) omit “as soon as practicable”;
 - (b) at the end insert “, with effect from the following 6th April ”.
- (3) In subsection (3), for the words after “the Secretary of State shall” substitute “ round the result to the nearest whole pound, taking 50p as nearest to the next whole pound above ”.

23 Renaming of “compromise agreements”, “compromise contracts” and “compromises”

- (1) In the following provisions, for “compromise” (in each place where it occurs) substitute “ settlement ”
 - (a) section 288(2A) and (2B) of the Trade Union and Labour Relations (Consolidation) Act 1992 (restriction on contracting out);
 - (b) section 203(2)(f) and (3) of the Employment Rights Act 1996 (restrictions on contracting out);
 - (c) section 58(4) and (5) of the Pensions Act 2008 (restrictions on agreements to limit operation of Part 1).
- (2) In section 19A of the Employment Tribunals Act 1996 (conciliation: recovery of sums payable under compromises)—
 - (a) in subsections (1), (3), (4), (5) and (6), for “compromise” (in each place where it occurs) substitute “ settlement ”;
 - (b) in subsection (12)—
 - (i) for “compromise” (in the first two places it occurs) substitute “ settlement ”;
 - (ii) omit “, or compromise,”;
 - (c) in the heading, for “compromises” substitute “ settlements ”.
- (3) In section 49 of the National Minimum Wage Act 1998 (restrictions on contracting out)—
 - (a) in subsections (3) and (4), for “compromise” (in each place where it occurs) substitute “ settlement ”;
 - (b) after subsection (8) insert—

“(8A) In the application of this section in relation to Northern Ireland, subsections (3) and (4) above shall have effect as if for “settlement

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agreements” (in each place) there were substituted “compromise agreements.”

- (4) In section 28 of the Equality Act 2006 (legal assistance), in subsection (11), for “compromise contract or agreement” substitute “settlement agreement”.
- (5) In section 144 of the Equality Act 2010 (contracting out), in subsection (4)(b), for “compromise contract” substitute “settlement agreement”.
- (6) In section 147 of that Act (meaning of “qualifying compromise contract”), in subsections (2) and (5) and in the heading, for “compromise contract” substitute “settlement agreement”.

Commencement Information

I2 [S. 23](#) in force at 29.7.2013 by [S.I. 2013/1648](#), [art. 2\(c\)](#)

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Changes to legislation:

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