

SCHEDULE

Article 2

Consequential Amendments

Employment Protection (Continuity of Employment) Regulations 1996

1. In regulation 2 of the Employment Protection (Continuity of Employment) Regulations 1996⁽¹⁾, in paragraph (c), for “section 18” substitute “any of sections 18A to 18C”.

Working Time Regulations 1998

2. The Working Time Regulations 1998⁽²⁾ are amended as follows.
3. In regulation 30(2) for “article 30A” substitute “regulations 30A and 30B”.
4. After regulation 30A⁽³⁾, insert—

“Extension of time limit to facilitate conciliation before institution of proceedings

30B.—(1) In this regulation—

- (a) Day A is the day on which the worker concerned complies with the requirement in subsection (1) of section 18A of the Employment Tribunals Act 1996 (requirement to contact ACAS before instituting proceedings) in relation to the matter in respect of which the proceedings are brought, and
- (b) Day B is the day on which the worker concerned receives or, if earlier, is treated as receiving (by virtue of regulations made under subsection (11) of that section) the certificate issued under subsection (4) of that section.

(2) In working out when the time limit set by regulation 30(2)(a) expires the period beginning with the day after Day A and ending with Day B is not to be counted.

(3) If the time limit set by regulation 30(2)(a) would (if not extended by this paragraph) expire during the period beginning with Day A and ending one month after Day B, the time limit expires instead at the end of that period.

(4) The power conferred on the employment tribunal by regulation 30(2)(b) to extend the time limit set by paragraph (2)(a) of that regulation is exercisable in relation to that time limit as extended by this regulation.”.

5. In regulation 35, in paragraph (2)(a), for “section 18” substitute “any of sections 18A to 18C”.

Transnational Information and Consultation of Employees Regulations 1999

6. The Transnational Information and Consultation of Employees Regulations 1999⁽⁴⁾ are amended as follows.

7. In regulation 27 after paragraph (2) insert—

“(2A) Regulation 27A (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of paragraph (2).”.
8. After regulation 27 insert—

(1) S.I. 1996/3147.

(2) S.I. 1998/1833, amended by S.I. 2011/1133.

(3) Regulation 30A was inserted by S.I. 2011/1133.

(4) S.I. 1999/3323.

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“Extension of time limit to facilitate conciliation before institution of proceedings

27A.—(1) In this regulation—

- (a) Day A is the day on which the worker concerned complies with the requirement in subsection (1) of section 18A of the Employment Tribunals Act 1996 (requirement to contact ACAS before instituting proceedings) in relation to the matter in respect of which the proceedings are brought, and
- (b) Day B is the day on which the worker concerned receives or, if earlier, is treated as receiving (by virtue of regulations made under subsection (11) of that section) the certificate issued under subsection (4) of that section.

(2) In working out when the time limit set by regulation 27(2)(a) expires the period beginning with the day after Day A and ending with Day B is not to be counted.

(3) If the time limit set by regulation 27(2)(a) would (if not extended by this paragraph) expire during the period beginning with Day A and ending one month after Day B, the time limit expires instead at the end of that period.

(4) The power conferred on the employment tribunal by regulation 27(2)(b) to extend the time limit set by paragraph (2)(a) of that regulation is exercisable in relation to that time limit as extended by this regulation.”.

9. In regulation 41, in paragraph (2)(a), for “section 18” substitute “any of sections 18A to 18C”.

Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000

10. The Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000(5) is amended as follows.

11. In regulation 8 after paragraph (2) insert—

“(2A) Regulation 8A (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of paragraph (2).”.

12. After regulation 8 insert—

“Extension of time limit to facilitate conciliation before institution of proceedings

8A.—(1) In this regulation—

- (a) Day A is the day on which the worker concerned complies with the requirement in subsection (1) of section 18A of the Employment Tribunals Act 1996 (requirement to contact ACAS before instituting proceedings) in relation to the matter in respect of which the proceedings are brought, and
- (b) Day B is the day on which the worker concerned receives or, if earlier, is treated as receiving (by virtue of regulations made under subsection (11) of that section) the certificate issued under subsection (4) of that section.

(2) In working out when the time limit set by regulation 8(2) expires the period beginning with the day after Day A and ending with Day B is not to be counted.

(3) If the time limit set by regulation 8(2) would (if not extended by this paragraph) expire during the period beginning with Day A and ending one month after Day B, the time limit expires instead at the end of that period.

(4) The power conferred on the employment tribunal by regulation 8(3) to extend the time limit set by paragraph (2) of that regulation is exercisable in relation to that time limit as extended by this regulation.”.

(5) S.I. 2000/1551.

Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002

13. The Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002(6) are amended as follows.

14. In regulation 7 after paragraph (2) insert—

“(2A) Regulation 7A (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of paragraph (2).”.

15. After regulation 7 insert—

“Extension of time limit to facilitate conciliation before institution of proceedings

7A.—(1) In this regulation—

(a) Day A is the day on which the worker concerned complies with the requirement in subsection (1) of section 18A of the Employment Tribunals Act 1996 (requirement to contact ACAS before instituting proceedings) in relation to the matter in respect of which the proceedings are brought, and

(b) Day B is the day on which the worker concerned receives or, if earlier, is treated as receiving (by virtue of regulations made under subsection (11) of that section) the certificate issued under subsection (4) of that section.

(2) In working out when the time limit set by regulation 7(2) expires the period beginning with the day after Day A and ending with Day B is not to be counted.

(3) If the time limit set by regulation 7(2) would (if not extended by this paragraph) expire during the period beginning with Day A and ending one month after Day B, the time limit expires instead at the end of that period.

(4) The power conferred on the employment tribunal by regulation 7(3) to extend the time limit set by paragraph (2) of that regulation is exercisable in relation to that time limit as extended by this regulation.”.

Merchant Shipping (Hours of Work) Regulations 2002

16. The Merchant Shipping (Hours of Work) Regulations 2002(7) are amended as follows.

17. In regulation 3A, in paragraph (c)(ii), for “section 18” substitute “any of sections 18A to 18C”.

18. In regulation 23, in paragraph (2)(a), for “section 18” substitute “any of sections 18A to 18C”.

Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002

19. In regulation 34 of the Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002(8), in paragraph (1)(c), for “section 18” substitute “any of sections 18A to 18C”.

Merchant Shipping (Working Time: Inland Waterways) Regulations 2003

20. The Merchant Shipping (Working Time: Inland Waterways) Regulations 2003(9) are amended as follows.

21. In regulation 4, in paragraph (c), for “section 18” substitute “any of sections 18A to 18C”.

(6) S.I. 2002/2034.

(7) S.I. 2002/2125, amended by S.I. 2014/308.

(8) S.I. 2002/2822.

(9) S.I. 2003/3049.

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22. In regulation 18 after paragraph (2) insert—

“(2A) Regulation 18A (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of paragraph (2).”.

23. After regulation 18 insert—

“Extension of time limit to facilitate conciliation before institution of proceedings

18A.—(1) In this regulation—

- (a) Day A is the day on which the worker concerned complies with the requirement in subsection (1) of section 18A of the Employment Tribunals Act 1996 (requirement to contact ACAS before instituting proceedings) in relation to the matter in respect of which the proceedings are brought, and
- (b) Day B is the day on which the worker concerned receives or, if earlier, is treated as receiving (by virtue of regulations made under subsection (11) of that section) the certificate issued under subsection (4) of that section.

(2) In working out when the time limit set by regulation 18(2)(a) expires the period beginning with the day after Day A and ending with Day B is not to be counted.

(3) If the time limit set by regulation 18(2)(a) would (if not extended by this paragraph) expire during the period beginning with Day A and ending one month after Day B, the time limit expires instead at the end of that period.

(4) The power conferred on the employment tribunal by regulation 18(2)(b) to extend the time limit set by paragraph (2)(a) of that regulation is exercisable in relation to that time limit as extended by this regulation.”.

24. In regulation 19, in paragraph (2)(a), for “section 18” substitute “any of sections 18A to 18C”.

ACAS Arbitration Scheme (Great Britain) Order 2004

25. In the Schedule (ACAS arbitration scheme) to the ACAS Arbitration Scheme (Great Britain) Order 2004(10), in paragraph 26(iv)(a), for “section 18” substitute “any of sections 18A to 18C”.

Fishing Vessels (Working Time: Sea-fishermen) Regulations 2004

26. The Fishing Vessels (Working Time: Sea-fishermen) Regulations 2004(11) are amended as follows.

27. In regulation 4, in paragraph (e), for “section 18” substitute “any of sections 18A to 18C”.

28. In regulation 19 after paragraph (2) insert—

“(2A) Regulation 19A (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of paragraph (2).”.

29. After regulation 19 insert—

“Extension of time limit to facilitate conciliation before institution of proceedings

19A.—(1) In this regulation—

- (a) Day A is the day on which the worker concerned complies with the requirement in subsection (1) of section 18A of the Employment Tribunals Act 1996

(10) S.I. 2004/753.
(11) S.I. 2004/1713.

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(requirement to contact ACAS before instituting proceedings) in relation to the matter in respect of which the proceedings are brought, and

(b) Day B is the day on which the worker concerned receives or, if earlier, is treated as receiving (by virtue of regulations made under subsection (11) of that section) the certificate issued under subsection (4) of that section.

(2) In working out when the time limit set by regulation 19(2)(a) expires the period beginning with the day after Day A and ending with Day B is not to be counted.

(3) If the time limit set by regulation 19(2)(a) would (if not extended by this paragraph) expire during the period beginning with Day A and ending one month after Day B, the time limit expires instead at the end of that period.

(4) The power conferred on the employment tribunal by regulation 19(2)(b) to extend the time limit set by paragraph (2)(a) of that regulation is exercisable in relation to that time limit as extended by this regulation.”.

30. In regulation 20, in paragraph (2)(a), for “section 18” substitute “any of sections 18A to 18C”.

ACAS (Flexible Working) Arbitration Scheme (Great Britain) Order 2004

31. In the Schedule to the ACAS (Flexible Working) Arbitration Scheme (Great Britain) Order 2004(12), in paragraph 26(iv)(a), for “section 18” substitute “any of sections 18A to 18C”.

Information and Consultation of Employees Regulations 2004

32. The Information and Consultation of Employees Regulations 2004(13) are amended as follows.

33. In regulation 29 after paragraph (2) insert—

“(2A) Regulation 29A (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of paragraph (2).”.

34. After regulation 29 insert—

“Extension of time limit to facilitate conciliation before institution of proceedings

29A.—(1) In this regulation—

(a) Day A is the day on which the worker concerned complies with the requirement in subsection (1) of section 18A of the Employment Tribunals Act 1996 (requirement to contact ACAS before instituting proceedings) in relation to the matter in respect of which the proceedings are brought, and

(b) Day B is the day on which the worker concerned receives or, if earlier, is treated as receiving (by virtue of regulations made under subsection (11) of that section) the certificate issued under subsection (4) of that section.

(2) In working out when the time limit set by regulation 29(2)(a) expires the period beginning with the day after Day A and ending with Day B is not to be counted.

(3) If the time limit set by regulation 29(2)(a) would (if not extended by this paragraph) expire during the period beginning with Day A and ending one month after Day B, the time limit expires instead at the end of that period.

(12) S.I. 2004/2333.

(13) S.I. 2004/3426.

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(4) The power conferred on the employment tribunal by regulation 29(2)(b) to extend the time limit set by paragraph (2)(a) of that regulation is exercisable in relation to that time limit as extended by this regulation.”

35. In regulation 40 in paragraph (2), for “section 18” substitute “any of sections 18A to 18C”.

Transfer of Undertakings (Protection of Employment) Regulations 2006

36. The Transfer of Undertakings (Protection of Employment) Regulations 2006(14) are amended as follows.

37. In regulation 12, in paragraph (7), for “Section 18” substitute “Sections 18A to 18C”.

38. In regulation 16, in paragraph (1), for “section 18” substitute “sections 18A to 18C”.

39. In Schedule 1—

(a) in paragraph 10(3)(a) for “section 18” substitute “Sections 18A to 18C”;

(b) in paragraph 10(4)(a) for “Section 18” substitute “sections 18A to 18C”.

Occupational and Personal Pension Schemes (Consultation by Employers and Miscellaneous Amendment) Regulations 2006

40. The Schedule to the Occupation and Personal Pension Schemes (Consultation by Employers and Miscellaneous Amendment) Regulations 2006(15) is amended as follows.

41. In paragraph 4 after sub-paragraph (2) insert—

“(2A) Paragraph 4A (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of sub-paragraph (2).”

42. After paragraph 4 insert—

“Extension of time limit to facilitate conciliation before institution of proceedings

4A.—(1) In this paragraph—

(a) Day A is the day on which the worker concerned complies with the requirement in subsection (1) of section 18A of the Employment Tribunals Act 1996 (requirement to contact ACAS before instituting proceedings) in relation to the matter in respect of which the proceedings are brought, and

(b) Day B is the day on which the worker concerned receives or, if earlier, is treated as receiving (by virtue of regulations made under subsection (11) of that section) the certificate issued under subsection (4) of that section.

(2) In working out when the time limit set by paragraph 4(2)(a) expires the period beginning with the day after Day A and ending with Day B is not to be counted.

(3) If the time limit set by paragraph 4(2)(a) would (if not extended by this paragraph) expire during the period beginning with Day A and ending one month after Day B, the time limit expires instead at the end of that period.

(4) The power conferred on the employment tribunal by paragraph 4(2)(b) to extend the time limit set by paragraph 4(2)(a) is exercisable in relation to that time limit as extended by this regulation.”

(14) S.I. 2006/246.

(15) S.I. 2006/349.

43. In paragraph 12, in sub-paragraph (2), for “section 18” substitute “any of sections 18A to 18C”.

European Cooperative Society (Involvement of Employees) Regulations 2006

44. The European Cooperative Society (Involvement of Employees) Regulations 2006(16) are amended as follows.

45. In regulation 30 after paragraph (2) insert—

“(2A) Regulation 30A (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of paragraph (2).”.

46. After regulation 30 insert—

“Extension of time limit to facilitate conciliation before institution of proceedings

30A.—(1) In this regulation—

(a) Day A is the day on which the worker concerned complies with the requirement in subsection (1) of section 18A of the Employment Tribunals Act 1996 (requirement to contact ACAS before instituting proceedings) in relation to the matter in respect of which the proceedings are brought, and

(b) Day B is the day on which the worker concerned receives or, if earlier, is treated as receiving (by virtue of regulations made under subsection (11) of that section) the certificate issued under subsection (4) of that section.

(2) In working out when the time limit set by regulation 30(2)(a) expires the period beginning with the day after Day A and ending with Day B is not to be counted.

(3) If the time limit set by regulation 30(2)(a) would (if not extended by this paragraph) expire during the period beginning with Day A and ending one month after Day B, the time limit expires instead at the end of that period.

(4) The power conferred on the employment tribunal by regulation 30(2)(b) to extend the time limit set by paragraph (2)(a) of that regulation is exercisable in relation to that time limit as extended by this regulation.”.

47. In regulation 41, in paragraph (2) for “section 18” substitute “any of sections 18A to 18C”.

Companies (Cross-Border Mergers) Regulations 2007

48. The Companies (Cross-Border Mergers) Regulations 2007(17) are amended as follows.

49. In regulation 45 after paragraph (2) insert—

“(2A) Regulation 45A (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of paragraph (2).”.

50. After regulation 45 insert—

“Extension of time limit to facilitate conciliation before institution of proceedings

45A.—(1) In this regulation—

(a) Day A is the day on which the worker concerned complies with the requirement in subsection (1) of section 18A of the Employment Tribunals Act 1996

(16) S.I. 2006/2059.

(17) S.I. 2007/2974.

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(requirement to contact ACAS before instituting proceedings) in relation to the matter in respect of which the proceedings are brought, and

(b) Day B is the day on which the worker concerned receives or, if earlier, is treated as receiving (by virtue of regulations made under subsection (11) of that section) the certificate issued under subsection (4) of that section.

(2) In working out when the time limit set by regulation 45(2)(a) expires the period beginning with the day after Day A and ending with Day B is not to be counted.

(3) If the time limit set by regulation 45(2)(a) would (if not extended by this paragraph) expire during the period beginning with Day A and ending one month after Day B, the time limit expires instead at the end of that period.

(4) The power conferred on the employment tribunal by regulation 45(2)(b) to extend the time limit set by paragraph (2)(a) of that regulation is exercisable in relation to that time limit as extended by this regulation.”.

51. In regulation 62, in paragraph (2), for “section 18” substitute “any of sections 18A to 18C”.

52. In Schedule 2, in paragraph 18, omit sub-paragraph (2) and insert—

“(2) Regulation 62(2) shall have effect as is for the reference to any of sections 18A to 18C of the Employment Tribunals Act 1996 there were a reference to article 20(1) of the Industrial Tribunals (Northern Ireland) Order 1996.

(2A) Regulation 62(3) shall have effect as is for the reference to section 18(1) of the Employment Tribunals Act 1996 there were a reference to article 20(1) of the Industrial Tribunals (Northern Ireland) Order 1996.”.

Cross-border Railway Services (Working Time) Regulations 2008

53. The Cross-border Railway Services (Working Time) Regulations 2008(18) are amended as follows.

54. In regulation 17 after paragraph (2) insert—

“(2A) Regulation 17A (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of paragraph (2).”.

55. After regulation 17 insert—

“Extension of time limit to facilitate conciliation before institution of proceedings

17A.—(1) In this regulation—

(a) Day A is the day on which the worker concerned complies with the requirement in subsection (1) of section 18A of the Employment Tribunals Act 1996 (requirement to contact ACAS before instituting proceedings) in relation to the matter in respect of which the proceedings are brought, and

(b) Day B is the day on which the worker concerned receives or, if earlier, is treated as receiving (by virtue of regulations made under subsection (11) of that section) the certificate issued under subsection (4) of that section.

(2) In working out when the time limit set by regulation 17(2)(a) expires the period beginning with the day after Day A and ending with Day B is not to be counted.

(3) If the time limit set by regulation 17(2)(a) would (if not extended by this paragraph) expire during the period beginning with Day A and ending one month after Day B, the time limit expires instead at the end of that period.

(18) S.I. 2008/1660.

(4) The power conferred on the employment tribunal by regulation 17(2)(b) to extend the time limit set by paragraph (2)(a) of that regulation is exercisable in relation to that time limit as extended by this regulation.”.

56. In regulation 18 (restrictions on contracting out), in paragraph (2)(a) for “section 18” substitute “any of sections 18A to 18C”.

European Public Limited-Liability Company (Employee Involvement) (Great Britain) Regulations 2009

57. The European Public Limited-Liability Company (Employee Involvement) (Great Britain) Regulations 2009(19) are amended as follows.

58. In regulation 28 after paragraph (2) insert—

“(2A) Regulation 28A (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of paragraph (2).”.

59. After regulation 28 insert—

“Extension of time limit to facilitate conciliation before institution of proceedings

28A.—(1) In this regulation—

- (a) Day A is the day on which the worker concerned complies with the requirement in subsection (1) of section 18A of the Employment Tribunals Act 1996 (requirement to contact ACAS before instituting proceedings) in relation to the matter in respect of which the proceedings are brought, and
- (b) Day B is the day on which the worker concerned receives or, if earlier, is treated as receiving (by virtue of regulations made under subsection (11) of that section) the certificate issued under subsection (4) of that section.

(2) In working out when the time limit set by regulation 28(2)(a) expires the period beginning with the day after Day A and ending with Day B is not to be counted.

(3) If the time limit set by regulation 28(2)(a) would (if not extended by this paragraph) expire during the period beginning with Day A and ending one month after Day B, the time limit expires instead at the end of that period.

(4) The power conferred on the employment tribunal by regulation 28(2)(b) to extend the time limit set by paragraph (2)(a) of that regulation is exercisable in relation to that time limit as extended by this regulation.”.

60. In regulation 39 of the European Public Limited-Liability Company (Employee Involvement) (Great Britain) Regulations 2009, in paragraph (2), for “section 18” substitute “any of sections 18A to 18C”.

Agency Workers Regulations 2010

61. The Agency Workers Regulations 2010(20) are amended as follows.

62. In regulation 18 after paragraph (4) insert—

“(4A) Regulation 18A (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of paragraph (4).”.

63. After regulation 18 insert—

(19) S.I. 2009/2401.

(20) S.I. 2010/93.

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“Extension of time limit to facilitate conciliation before institution of proceedings

18A.—(1) In this regulation—

- (a) Day A is the day on which the worker concerned complies with the requirement in subsection (1) of section 18A of the Employment Tribunals Act 1996 (requirement to contact ACAS before instituting proceedings) in relation to the matter in respect of which the proceedings are brought, and
- (b) Day B is the day on which the worker concerned receives or, if earlier, is treated as receiving (by virtue of regulations made under subsection (11) of that section) the certificate issued under subsection (4) of that section.

(2) In working out when the time limit set by regulation 18(4) expires the period beginning with the day after Day A and ending with Day B is not to be counted.

(3) If the time limit set by regulation 18(4) would (if not extended by this paragraph) expire during the period beginning with Day A and ending one month after Day B, the time limit expires instead at the end of that period.

(4) The power conferred on the employment tribunal by regulation 18(5) to extend the time limit set by paragraph (4) of that regulation is exercisable in relation to that time limit as extended by this regulation.”.

Employment Relations Act 1999 (Blacklists) Regulations 2010

64. The Employment Relations Act 1999 (Blacklists) Regulations 2010(21) are amended as follows.

65. In regulations 7 and 10 after paragraph (1) insert—

“(1A) Regulation 18 (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of paragraph (1).”.

66. After regulation 17 insert—

“Extension of time limit to facilitate conciliation before institution of proceedings

18.—(1) This regulation applies where these Regulations provide for it to apply for the purposes of a provision of these Regulations (“a relevant provision”).

(2) In this regulation—

- (a) Day A is the day on which the worker concerned complies with the requirement in subsection (1) of section 18A of the Employment Tribunals Act 1996 (requirement to contact ACAS before instituting proceedings) in relation to the matter in respect of which the proceedings are brought, and
- (b) Day B is the day on which the worker concerned receives or, if earlier, is treated as receiving (by virtue of regulations made under subsection (11) of that section) the certificate issued under subsection (4) of that section.

(3) In working out when the time limit set by a relevant provision expires the period beginning with the day after Day A and ending with Day B is not to be counted.

(4) If the time limit set by a relevant provision would (if not extended by this paragraph) expire during the period beginning with Day A and ending one month after Day B, the time limit expires instead at the end of that period.

(21) S.I. 2010/493.

(5) Where an employment tribunal has power under these Regulations to extend the time limit set by a relevant provision, the power is exercisable in relation to that time limit as extended by this regulation.”.

Additional Statutory Paternity Pay (General) Regulations 2010

67. In regulation 26 of the Additional Statutory Paternity Pay (General) Regulations 2010⁽²²⁾, in paragraph (c), for “section 18” substitute “any of sections 18A to 18C”.

(22) S.I. 2010/1056.