

## SCHEDULE

Article 3

### **Trade Union and Labour Relations (Consolidation) Act 1992**

1. In section 189(5A)(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 after “section 188” insert “or 188A”.

### **Employment Rights Act 1996**

2. The Employment Rights Act 1996 is amended as follows.

3. In section 11(6)(2) for “Where the reference concerns compliance with section 8, section” substitute “Section”.

4. In section 203(2)(f)(3)—

- (a) in paragraph (i) for “paragraph (d)” substitute “paragraph (b)”;
- (b) in paragraph (ii) for “paragraph (h)” substitute “paragraph (l)”;
- (c) in paragraph (iii) for “paragraph (i)” substitute “paragraph (m)”;
- (d) omit paragraph (iv).

### **National Minimum Wage Act 1998**

5. In section 49(3)(a) of the National Minimum Wage Act 1998 for “section 18(1)(dd)” substitute “section 18(1)(c)”.

### **Employment Relations Act 1999**

6. In section 14(b) of the Employment Relations Act 1999 for “section 18(1)(d)” substitute “section 18(1)(b)”.

### **Safety Representatives and Safety Committees Regulations 1977**

7. The Safety Representatives and Safety Committees Regulations 1977 are amended as follows.

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

“(2A) Regulation 12 (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of paragraph (2).”.

9. After regulation 11 insert—

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

12.—(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)(4) in relation to the matter in respect of which the proceedings are brought, and

(1) Section 189 was amended by [S.I. 1995/2587](#), [1999/1925](#) and the Enterprise and Regulatory Reform Act 2013, Schedule 2, paragraph 11.

(2) Section 11 was amended by [S.I. 2011/1133](#) and the Enterprise and Regulatory Reform Act 2013, Schedule 2, paragraph 16.

(3) Section 203(f) was amended by [S.I. 2002/2034](#).

(4) Section 18A was inserted by the Enterprise and Regulatory Reform Act 2013, section 7.

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- (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 three month time limit set by regulation 11(2) expires the period beginning with the day after Day A and ending with Day B is not to be counted.
- (3) If the three month time limit set by regulation 11(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 paragraph (2) of regulation 11 to extend the three month time limit set by that paragraph is exercisable in relation to that time limit as extended by this regulation.”.

### **Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994**

**10.** The Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994 is amended as follows.

- 11.** In articles 7 and 8(5) for “article 8A” substitute “articles 8A and 8B”.
- 12.** After article 8A(6) insert—

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

**8B.**—(1) This article applies where this Order provides for it to apply for the purposes of a provision of this Order (“a relevant provision”).

- (2) In this article—
  - (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.
- (5) Where an employment tribunal has power under this Order 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.”.

### **Employment Tribunals Extension of Jurisdiction (Scotland) Order 1994**

**13.** The Employment Tribunals Extension of Jurisdiction (Scotland) Order 1994 is amended as follows.

- 14.** In articles 7 and 8(7) for “article 8A” substitute “articles 8A and 8B”.

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(5) Article 7 was amended by [S.I. 2004/752, 2011/1133](#). Article 8 was amended by [S.I. 2011/1133](#).

(6) Article 8A was inserted by [S.I. 2011/1133](#).

(7) Article 7 was amended by [S.I. 2004/752, 2011/1133](#). Article 8 was amended by [S.I. 2011/1133](#).

15. After article 8A(8) insert—

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

**8B.**—(1) This article applies where this Order provides for it to apply for the purposes of a provision of this Order (“a relevant provision”).

(2) In this article—

(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.

(5) Where an employment tribunal has power under this Order 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.”.

**Health and Safety (Consultation with Employees) Regulations 1996**

16. Schedule 2 to the Health and Safety (Consultation with Employees) Regulations 1996 is amended as follows.

17. In paragraph 3 for “An employment tribunal” substitute “Subject to paragraph 3A an employment tribunal”.

18. After paragraph 3 insert—

**“3A.**—(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 three month time limit set by paragraph 3 expires the period beginning with the day after Day A and ending with Day B is not to be counted.

(3) If the three month time limit set by paragraph 3 would (if not extended by this subparagraph) 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 3 to extend the three month time limit set by that paragraph is exercisable in relation to that time limit as extended by this paragraph.”.

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(8) Article 8A was inserted by [S.I. 2011/1133](#).

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### **Working Time Regulations 1998**

19. In regulation 35 of the Working Time Regulations 1998, in paragraph (2)(b), for “section 18(1)(ff)” substitute “section 18(1)(j)”.

### **Transnational Information and Consultation of Employees Regulations 1999**

20. In regulation 41 of the Transnational Information and Consultation of Employees Regulations 1999, in paragraph (3)(a), for “section 18(1)(g)” substitute “section 18(1)(k)”.

### **Merchant Shipping (Hours of Work) Regulations 2002**

21. The Merchant Shipping (Hours of Work) Regulations 2002 are amended as follows.
22. In regulation 3A, in paragraph (c)(iii), for “section 18(1)(y)” substitute “section 18(1)(n)”.
23. In regulation 22(9) after paragraph (2) insert—

“(2A) Regulation 22A (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of paragraph (2)(a).”.
24. After regulation 22 insert—

#### **“Extension of time limits to facilitate conciliation before institution of proceedings**

22A.—(1) In this regulation—

- (a) Day A is the day on which the seafarer 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 seafarer 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 22(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 22(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 22(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.”.

25. In regulation 23(10), in paragraph (2)(b), for “section 18(1)(y)” substitute “section 18(1)(n)”.

### **Flexible Working (Procedural Requirements) Regulations 2002**

26. The Flexible Working (Procedural Requirements) Regulations 2002 are amended as follows.
27. In regulation 15 after paragraph (2) insert—

“(2A) Regulation 15A (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of paragraph (2)(a).”.
28. After regulation 15 insert—

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(9) Regulation 22 was inserted by [S.I. 2014/308](#).

(10) Regulation 23 was inserted by [S.I. 2014/308](#).

**“Extension of time limits to facilitate conciliation before institution of proceedings**

**15A.—**(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 15(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 a regulation 15(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 15(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.”.

**Merchant Shipping (Working Time: Inland Waterways) Regulations 2003**

**29.** In the Merchant Shipping (Working Time: Inland Waterways) Regulations 2003—

- (a) in regulation 4, in paragraph (d), for “section 18(1)(m)” substitute “section 18(1)(p)”; and
- (b) in regulation 19, in paragraph (2)(b), for “section 18(1)(m)” substitute “section 18(1)(p)”.

**Civil Aviation (Working Time) Regulations 2004**

**30.** The Civil Aviation (Working Time) Regulations 2004 are amended as follows.

**31.** In regulation 18 after paragraph (2) insert—

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

**32.** After regulation 18 insert—

**“Extension of time limits to facilitate conciliation before institution of proceedings**

**19.—**(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.

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(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.”.

#### **Fishing Vessels (Working Time: Sea-fisherman) Regulations 2004**

33. In the Fishing Vessels (Working Time: Sea-fisherman) Regulations 2004—
- (a) in regulation 4, in paragraph (f), for “section 18(1)(n)” substitute “section 18(1)(r)”;
  - (b) in regulation 20, in paragraph (2)(b), for “section 18(1)(n)” substitute “section 18(1)(r)”.

#### **European Cooperative Society (Involvement of Employees) Regulations 2006**

34. In the European Cooperative Society (Involvement of Employees) Regulations 2006—
- (a) in regulation 41, in paragraph (3), for “section 18(1)(s)” substitute “section 18(1)(u)”;
  - (b) in Schedule 3, in paragraph 18(2), for “section 18(1)(s)” substitute “section 18(1)(u)”.

#### **Ecclesiastical Offices (Terms of Service) Regulations 2009**

35. The Ecclesiastical Offices (Terms of Service) Regulations 2009 are amended as follows.
36. In regulation 9 after paragraph (4) insert—
- “(5) Regulation 9A (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of paragraph (4)(a).”.
37. After regulation 9 insert—

#### **“Extension of time limits to facilitate conciliation before institution of proceedings**

**9A.—(1)** In this regulation—

- (a) Day A is the day on which the office holder 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 office holder 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 9(4)(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 9(4)(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 9(4)(b) to extend the time limit set by paragraph (4)(a) of that regulation is exercisable in relation to that time limit as extended by this regulation.”.

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

38. In regulation 39 of the European Public Limited-Liability Company (Employee Involvement) (Great Britain) Regulations 2009, in paragraph (3), for “section 18(1)(v)” substitute “section 18(1)(y)”.

## **Employee Study and Training (Procedural Requirements) Regulations 2010**

**39.** The Employee Study and Training (Procedural Requirements) Regulations 2010 are amended as follows.

**40.** 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)(a).”.

**41.** After regulation 17 insert—

### **“Extension of time limits 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.

(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.”.