



Trade Union and Labour Relations (Consolidation) Act 1992

1992 CHAPTER 52

PART IV

INDUSTRIAL RELATIONS

CHAPTER II

PROCEDURE FOR HANDLING REDUNDANCIES

Duty of employer to notify Secretary of State

193 Duty of employer to notify Secretary of State of certain redundancies

- (1) An employer proposing to dismiss as redundant 100 or more employees at one establishment within a period of 90 days or less shall notify the Secretary of State, in writing, of his proposal at least 90 days before the first of those dismissals takes effect.
- (2) An employer proposing to dismiss as redundant 10 or more employees at one establishment within a period of 30 days or less shall notify the Secretary of State, in writing, of his proposal at least 30 days before the first of those dismissals takes effect.
- (3) In determining how many employees an employer is proposing to dismiss as redundant within the period mentioned in subsection (1) or (2), no account shall be taken of employees in respect of whose proposed dismissal notice has already been given to the Secretary of State.
- (4) A notice under this section shall—
 - (a) be given to the Secretary of State by delivery to him or by sending it by post to him, at such address as the Secretary of State may direct in relation to the establishment where the employees proposed to be dismissed are employed,

Status: This is the original version (as it was originally enacted).

- (b) in a case where consultation with trade union representatives is required by section 188, identify the trade union concerned and state the date when consultation began, and
 - (c) be in such form and contain such particulars, in addition to those required by paragraph (b), as the Secretary of State may direct.
- (5) After receiving a notice under this section from an employer the Secretary of State may by written notice require the employer to give him such further information as may be specified in the notice.
- (6) Where a notice given under subsection (1) or subsection (2) relates to employees of a description in respect of which an independent trade union is recognised by the employer, the employer shall give a copy of the notice to representatives of that union.
- The copy shall be delivered to them or sent by post to an address notified by them to the employer, or sent by post to the union at the address of its head or main office.
- (7) If in any case there are special circumstances rendering it not reasonably practicable for the employer to comply with any of the requirements of subsections (1) to (6), he shall take all such steps towards compliance with that requirement as are reasonably practicable in the circumstances.

194 Offence of failure to notify

- (1) An employer who fails to give notice to the Secretary of State in accordance with section 193 commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (2) Proceedings in England or Wales for such an offence shall be instituted only by or with the consent of the Secretary of State or by an officer authorised for that purpose by special or general directions of the Secretary of State.
- An officer so authorised may, although not of counsel or a solicitor, prosecute or conduct proceedings for such an offence before a magistrates' court.
- (3) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.
- (4) Where the affairs of a body corporate are managed by its members, subsection (3) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.