



Trade Union Reform and Employment Rights Act 1993

1993 CHAPTER 19

PART III

OTHER EMPLOYMENT MATTERS

ACAS

43 Functions of ACAS

- (1) In section 209 of the 1992 Act (general duty of ACAS to promote improvement of industrial relations), for the words following “industrial relations” there shall be substituted “, in particular, by exercising its functions in relation to the settlement of trade disputes under sections 210 and 212.”.
- (2) For section 213 of the 1992 Act (powers of ACAS to give advice) there shall be substituted—

“213 Advice

- (1) ACAS may, on request or otherwise, give employers, employers' associations, workers and trade unions such advice as it thinks appropriate on matters concerned with or affecting or likely to affect industrial relations.
- (2) ACAS may also publish general advice on matters concerned with or affecting or likely to affect industrial relations.”.
- (3) In section 249(2) of the 1992 Act (chairman to be full time, but other members full or part time), the first sentence shall be omitted, and, in the second sentence, after the word “as”, in the first place where it occurs, there shall be inserted the words “chairman, or as”.

44 Fees for exercise of functions by ACAS

After section 251 of the 1992 Act there shall be inserted the following section—

“251A Fees for exercise of functions by ACAS

- (1) ACAS may, in any case in which it thinks it appropriate to do so, but subject to any directions under subsection (2) below, charge a fee for exercising a function in relation to any person.
- (2) The Secretary of State may direct ACAS to charge fees, in accordance with the direction, for exercising any function specified in the direction, but the Secretary of State shall not give a direction under this subsection without consulting ACAS.
- (3) A direction under subsection (2) above may require ACAS to charge fees in respect of the exercise of a function only in specified descriptions of case.
- (4) A direction under subsection (2) above shall specify whether fees are to be charged in respect of the exercise of any specified function—
 - (a) at the full economic cost level, or
 - (b) at a level less than the full economic cost but not less than a specified proportion or percentage of the full economic cost.
- (5) Where a direction requires fees to be charged at the full economic cost level ACAS shall fix the fee for the case at an amount estimated to be sufficient to cover the administrative costs of ACAS of exercising the function including an appropriate sum in respect of general staff costs and overheads.
- (6) Where a direction requires fees to be charged at a level less than the full economic cost ACAS shall fix the fee for the case at such amount, not being less than the proportion or percentage of the full economic cost specified under subsection (4)(b) above, as it thinks appropriate (computing that cost in the same way as under subsection (5) above).
- (7) No liability to pay a fee charged under this section shall arise on the part of any person unless ACAS has notified that person that a fee may or will be charged.
- (8) For the purposes of this section—
 - (a) a function is exercised “in relation to” a person who avails himself of the benefit of its exercise, whether or not he requested its exercise and whether the function is such as to be exercisable in relation to particular persons only or in relation to persons generally; and
 - (b) where a function is exercised in relation to two or more persons the fee chargeable for its exercise shall be apportioned among them as ACAS thinks appropriate.”.