

**Changes to legislation:** There are currently no known outstanding effects for the Trade Union Reform and Employment Rights Act 1993, Paragraph 4. (See end of Document for details)

## SCHEDULES

### SCHEDULE 6

#### COMPROMISE CONTRACTS

*Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)*

4 In section 288 of the 1992 Act (restrictions on contracting out)—

(a) after subsection (2) there shall be inserted—

“(2A) Subsection (1) does not apply to an agreement to refrain from instituting or continuing any proceedings, other than excepted proceedings, specified in section 290 before an [<sup>F1</sup>employment tribunal] if the conditions regulating compromise agreements under this Act are satisfied in relation to the agreement.

(2B) The conditions regulating compromise agreements under this Act are that—

- (a) the agreement must be in writing;
- (b) the agreement must relate to the particular complaint;
- (c) the complainant must have received independent legal advice from a qualified lawyer as to the terms and effect of the proposed agreement and in particular its effect on his ability to pursue his rights before an [<sup>F1</sup>employment tribunal];
- (d) there must be in force, when the adviser gives the advice, a policy of insurance covering the risk of a claim by the complainant in respect of loss arising in consequence of the advice;
- (e) the agreement must identify the adviser; and
- (f) the agreement must state that the conditions regulating compromise agreements under this Act are satisfied.

(2C) The proceedings excepted from subsection (2A) are proceedings on a complaint of non-compliance with section 188.”;

<sup>F2</sup>

...

<sup>F2</sup>(b) .....

#### Textual Amendments

**F1** Words in Sch. 6 para. 4 substituted (1.8.1998) by 1998 c. 8, s. 1(2)(a) (with s. 16(2)); S.I. 1998/1658, art. 2(1), Sch. 1

**F2** Sch. 6 para. 4(b) and the word preceding it repealed (1.8.1998) by 1998 c. 8, s. 15, Sch. 2 (with s. 38); S.I. 1998/1658, art. 2(1), Sch. 1

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