

Status: Point in time view as at 29/07/2013. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Enterprise and Regulatory Reform Act 2013, Cross Heading: Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52). (See end of Document for details)

SCHEDULES

VALID FROM 06/04/2014

SCHEDULE 2

EXTENSION OF LIMITATION PERIODS TO ALLOW FOR CONCILIATION

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

- 1 The Trade Union and Labour Relations (Consolidation) Act 1992 is amended as follows.
- 2 In section 66 (complaint of infringement of right under section 64), after subsection (2) insert—

“(2A) Section 292A (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of subsection (2)(a).”
- 3 In section 68A (complaint of infringement of right under section 68), after subsection (1) insert—

“(1A) Section 292A (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of subsection (1)(a).”
- 4 In section 70C (section 70B: complaint to employment tribunal), after subsection (2) insert—

“(2A) Section 292A (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of subsection (2)(a).”
- 5 In section 87 (complaint in respect of employer's failure under section 86), after subsection (2) insert—

“(2A) Section 292A (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of subsection (2)(a).”
- 6 In section 139 (time limit for proceedings under sections 137 and 138), after subsection (3) insert—

“(4) Section 292A (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of subsection (1)(a).”
- 7 (1) Section 145C (time limit for proceedings under sections 145A and 145B) is amended as follows.
 - (2) The existing text becomes subsection (1).
 - (3) After that subsection insert—

“(2) Section 292A (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of subsection (1)(a).”

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8	<p>In section 147 (time limit for proceedings under section 146), after subsection (3) insert—</p> <p>“(4) Section 292A (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of subsection (1)(a).”</p>
9	<p>(1) Section 171 (time limit for proceedings under sections 168, 168A, 169 and 170) is amended as follows.</p> <p>(2) The existing text becomes subsection (1).</p> <p>(3) After that subsection insert—</p> <p>“(2) Section 292A (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of subsection (1)(a).”</p>
10	<p>(1) Section 175 (time limit for proceedings under section 174) is amended as follows.</p> <p>(2) The existing text becomes subsection (1).</p> <p>(3) After that subsection insert—</p> <p>“(2) Section 292A (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of subsection (1)(a).”</p>
11	<p>In section 189 (complaint: contravention of section 188), after subsection (5) insert—</p> <p>“(5A) Where the complaint concerns a failure to comply with a requirement of section 188, section 292A (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of subsection (5)(b).”</p>
12	<p>In section 192 (complaint by employee to employment tribunal: contravention of section 190), after subsection (2) insert—</p> <p>“(2A) Section 292A (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of subsection (2)(a).”</p>
13	<p>After section 292 insert—</p> <p>“292A Extension of time limits to facilitate conciliation before institution of proceedings</p> <p>(1) This section applies where this Act provides for it to apply for the purposes of a provision of this Act (a “relevant provision”).</p> <p>(2) In this section—</p> <p>(a) Day A is the day on which the complainant 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</p> <p>(b) Day B is the day on which the complainant 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.</p>

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- (3) In working out when a 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 a time limit set by a relevant provision would (if not extended by this subsection) 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 Act to extend a time limit set by a relevant provision, the power is exercisable in relation to the time limit as extended by this section.”

14 In Schedule A1 (collective bargaining: recognition), in paragraph 157 (complaint to employment tribunal: contravention of paragraph 156), after subparagraph (3) insert—

“(4) Section 292A (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of subparagraph (1)(a).”

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