

1999 No. 1548

TERMS AND CONDITIONS OF EMPLOYMENT

**The Public Interest Disclosure (Compensation) Regulations
1999**

<i>Made</i> - - - -	<i>5th June 1999</i>
<i>Laid before Parliament</i>	<i>8th June 1999</i>
<i>Coming into force</i>	<i>2nd July 1999</i>

The Secretary of State, in exercise of the powers conferred on him by section 127B of the Employment Rights Act 1996(a), hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Public Interest Disclosure (Compensation) Regulations 1999 and shall come into force on 2nd July 1999.

Interpretation

2. In these Regulations—
“the 1996 Act” means the Employment Rights Act 1996.

Compensation

3. Sections 117 to 127A(b) of the 1996 Act shall apply to compensation awarded, or a compensatory award made, to a person in a case where he is regarded as unfairly dismissed by virtue of section 103A(c) or 105(6A)(d) of the 1996 Act, with the following modifications—

(a) as if, after section 124(1), there was inserted the following subsection—

“(1A) Subsection (1) shall not apply to compensation awarded, or a compensatory award made, to a person in a case where he is regarded as unfairly dismissed by virtue of section 103A or 105(6A).”; and

(a) 1996 c. 18. Section 127B of the Employment Rights Act 1996 (“the 1996 Act”) was inserted by the Public Interest Disclosure Act 1998 (c. 23), section 8(4).
(b) Section 117 of the 1996 Act was amended by the Employment Rights (Dispute Resolution) Act 1998 (c. 8), sections 1(2)(a) and 14(1), Schedule 1, paragraph 20 and Schedule 2; and by S.I. 1998/1833, regulation 32(5); and is to be amended by the Public Interest Disclosure Act 1998 (c. 23), section 8(2). Section 118 of the 1996 Act was amended by the Employment Rights (Dispute Resolution) Act 1998 (c. 8), Schedule 1, paragraphs 21(2) and 21(3); and by S.I. 1998/1833, regulation 32(5); and is to be amended by the Public Interest Disclosure Act 1998 (c. 23), section 8(3). Section 120 of the 1996 Act was amended by S.I. 1998/924, article 3 and the Schedule; and by S.I. 1998/1833, regulation 32(5). Section 122 of the 1996 Act was amended by the Employment Rights (Dispute Resolution) Act 1998 (c. 8), Schedule 1, paragraph 22; and by S.I. 1998/1833, regulation 32(5). Section 123 of the 1996 Act was amended by the Employment Rights (Dispute Resolution) Act 1998 (c. 8), Schedule 1, paragraph 23. Section 124 of the 1996 Act was amended by the Employment Rights (Dispute Resolution) Act 1998 (c. 8), section 1(2)(a); and by S.I. 1998/924, article 3 and the Schedule. Section 125 of the 1996 Act was amended by S.I. 1998/924, article 3 and the Schedule. Section 126 of the 1996 Act was amended by the Employment Rights (Dispute Resolution) Act 1998 (c. 8), sections 1(2)(a), 14(3), 14(4)(a) and 14(4)(b) and Schedule 2. Section 127A of the 1996 Act was inserted by the Employment Rights (Dispute Resolution) Act 1998 (c. 8), section 13.
(c) Section 103A of the 1996 Act is to be inserted by the Public Interest Disclosure Act 1998 (c. 23), section 5.
(d) Section 105(6A) of the 1996 Act is to be inserted by the Public Interest Disclosure Act 1998 (c. 23), section 6.

- (b) as if, in section 117(6)(a)–
- (i) after paragraph (b), the word “and” was omitted; and
 - (ii) after paragraph (c), there was inserted “and
- (d) a dismissal where the reason (or, if more than one, the principal reason)–
- (i) in a redundancy case, for selecting the employee for dismissal, or
 - (ii) otherwise, for the dismissal,
- is that specified in section 103A.”.

5th June 1999

Ian McCartney
Minister of State,
Department of Trade and Industry

(a) Paragraph (c) of subsection (6) of section 117 of the 1996 Act was inserted by the Employment Rights (Dispute Resolution) Act 1998 (c. 8), section 14(1).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations modify the application of provisions of the Employment Rights Act 1996 (“the 1996 Act”) to compensation awarded, or a compensatory award made, in cases where an employee has been dismissed, or selected for dismissal on the grounds of redundancy, because he made a protected disclosure.

Regulation 3 removes the monetary limit, which section 124(1) of the 1996 Act imposes on the amount of compensation which may be awarded and on the amount of a compensatory award. It provides for the payment of a higher additional award under section 117(3) of the 1996 Act.

A regulatory impact assessment has been prepared in relation to these Regulations and placed in the library of each House of Parliament. Copies of the assessment may be obtained from Employment Relations Directorate, Department of Trade and Industry, room 293, 1 Victoria Street, London SW1H 0ET.

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