
STATUTORY INSTRUMENTS

1999 No. 3323

**The Transnational Information and
Consultation of Employees Regulations 1999**

PROSPECTIVE

**PART VIII
MISCELLANEOUS**

The Appeal Tribunal, Industrial Court, CAC, ACAS and the Labour Relations Agency

Appeal Tribunal: jurisdiction

34.—(1) Any proceedings before the Appeal Tribunal arising under these Regulations, other than proceedings before the Appeal Tribunal under paragraph (i) of section 21(1) of the Employment Tribunals Act 1996(1), shall—

- (a) where the central management is situated in England and Wales, be in England and Wales;
- (b) where the central management is situated in Scotland, be in Scotland.

(2) Paragraph (1) shall apply to proceedings before the Appeal Tribunal arising under regulation 8 as if for the words “central management” there were substituted the words “recipient (within the meaning given to that term by regulation 7)”.

(3) Paragraph (1) shall apply to proceedings before the Appeal Tribunal arising under regulation 13 or 15 or paragraph 4 of the Schedule as if for the words “central management” there were substituted the words “UK management”.

Commencement Information

II Reg. 34 in force at 15.1.2000, see [reg. 1\(1\)](#)

Appeal Tribunal: proceedings

35.—(1) The Employment Tribunals Act 1996 shall be amended as follows.

(2) At the end of section 20 (the Appeal Tribunal), insert—

“(4) Subsection (2) is subject to regulation 34 of the Transnational Information and Consultation of Employees Regulations 1999.”.

(1) Section 21(1) has been amended on a number of occasions to specify additional proceedings and claims to which the section applies. Paragraph (i) is inserted by regulation 35(3) of these Regulations from the date they come into force.

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Transnational Information and Consultation of Employees Regulations 1999. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(3) In section 21 (jurisdiction of the Appeal Tribunal), in subsection (1) (which specifies the proceedings and claims to which the section applies)—

(a) at the end of paragraph (ff), the word “or” shall be omitted; and

(b) in paragraph (g), for “or under the Working Time Regulations 1998” there shall be substituted—

“,

(h) the Working Time Regulations 1998, or

(i) the Transnational Information and Consultation of Employees Regulations 1999.”.

(4) In section 30 (Appeal Tribunal procedure rules), in paragraph (b) of subsection (2)(2), after “any application” insert “or complaint”.

Commencement Information

I2 Reg. 35 in force at 15.1.2000, see [reg. 1\(1\)](#)

Industrial Court: jurisdiction

36.—(1) Where the central management is situated in Northern Ireland, any complaint under regulation 20 or 21 shall be presented to the Industrial Court instead of to the Appeal Tribunal and references in those regulations and in regulation 22 to the Appeal Tribunal shall be read as references to the Industrial Court.

(2) Where the central management is situated in Northern Ireland, any application under regulation 10, 23 or 24 shall be made to the Industrial Court instead of to the CAC, and references in those regulations to the CAC shall be read as references to the Industrial Court.

(3) Where the recipient (within the meaning given to that term by regulation 7) is situated in Northern Ireland, any complaint under regulation 8 shall be presented to the Industrial Court instead of to the CAC, and references in regulation 8 to the CAC shall be read as references to the Industrial Court.

(4) Where the UK management is situated in Northern Ireland, any complaint under regulation 13 or 15 or paragraph 4 of the Schedule shall be presented to the Industrial Court instead of to the CAC, and references in those regulations or that paragraph to the CAC shall be read as references to the Industrial Court.

Commencement Information

I3 Reg. 36 in force at 15.1.2000, see [reg. 1\(1\)](#)

Industrial Court: proceedings

37.—(1) Where under these Regulations a person presents a complaint or makes an application to the Industrial Court, the complaint or application must be in writing and in such form as the Court may require.

(2) In its consideration of an application or complaint under these Regulations, the Industrial Court shall make such enquiries as it sees fit and give any person whom it considers has a proper interest in the application or complaint an opportunity to be heard.

(2) Section 30(2) was amended by the Employment Rights (Dispute Resolution) Act 1998 (c. 8), section 1(2)(a).

- (3) A decision, declaration or order made by the Industrial Court under these Regulations—
 - (a) must be in writing and state the reasons for the Court’s findings; and
 - (b) may be relied on and enforced as if it were a decision, declaration or order made by the High Court in Northern Ireland.
- (4) An appeal lies to the Court of Appeal in Northern Ireland on any question of law arising from a decision, declaration or order of, or arising in any proceedings before, the Industrial Court under these Regulations.

Commencement Information

I4 Reg. 37 in force at 15.1.2000, see [reg. 1\(1\)](#)

CAC: proceedings

38.—(1) Where under these Regulations a person presents a complaint or makes an application to the CAC the complaint or application must be in writing and in such form as the CAC may require.

(2) In its consideration of an application or complaint under these Regulations, the CAC shall make such enquiries as it sees fit and give any person whom it considers has a proper interest in the application or complaint an opportunity to be heard.

(3) Where the central management is situated in England and Wales—

- (a) a declaration or order made by the CAC under these Regulations may be relied on as if it were a declaration or order made by the High Court in England and Wales; and
- (b) an order made by the CAC under these Regulations may be enforced in the same way as an order of the High Court in England and Wales.

(4) Where the central management is situated in Scotland—

- (a) a declaration or order made by the CAC under these Regulations may be relied on as if it were a declaration or order made by the Court of Session; and
- (b) an order made by the CAC under these Regulations may be enforced in the same way as an order of the Court of Session.

(5) Paragraphs (3) and (4) shall apply to an order made under regulation 8 as if for the words “central management” there were substituted the words “recipient”.

(6) Paragraphs (3) and (4) shall apply, as appropriate, to a declaration or order made under regulation 13 or 15 or paragraph 4 of the Schedule as if for the words “central management” there were substituted the words “UK management”.

(7) A declaration or order made by the CAC under these Regulations must be in writing and state the reasons for the CAC’s findings.

(8) An appeal lies to the Appeal Tribunal on any question of law arising from any declaration or order of, or arising in any proceedings before, the CAC under these Regulations.

Commencement Information

I5 Reg. 38 in force at 15.1.2000, see [reg. 1\(1\)](#)

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ACAS and the Labour Relations Agency

39.—(1) If on receipt of an application or complaint under these Regulations the CAC, the Appeal Tribunal, or as the case may be the Industrial Court, is of the opinion that it is reasonably likely to be settled by conciliation, it shall refer the application or complaint to ACAS or to the Labour Relations Agency and shall notify the applicant or complainant and any persons whom it considers have a proper interest in the application or complaint accordingly, whereupon ACAS, or as the case may be the Labour Relations Agency, shall seek to promote a settlement of the matter.

(2) If an application or complaint so referred is not settled or withdrawn and ACAS, or as the case may be the Labour Relations Agency, is of the opinion that further attempts at conciliation are unlikely to result in a settlement, it shall inform the CAC, the Appeal Tribunal, or as the case may be the Industrial Court, of its opinion.

(3) If the application or complaint is not referred to ACAS or to the Labour Relations Agency, or if it is so referred, on ACAS, or as the case may be the Labour Relations Agency, informing the CAC, the Appeal Tribunal, or as the case may be the Industrial Court, of its opinion that further attempts at conciliation are unlikely to result in a settlement, the CAC, the Appeal Tribunal, or as the case may be the Industrial Court, shall proceed to hear and determine the application or complaint.

Commencement Information

I6 Reg. 39 in force at 15.1.2000, see [reg. 1\(1\)](#)

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Changes and effects yet to be applied to :

- Regulations modified by [S.R. 2011/350 art. 23\(1\)](#)Sch. 1 para. 1(a)
- Regulations words substituted by [S.I. 2019/535 Sch. 2 para. 2\(a\)](#)
- Regulations words substituted by [S.I. 2019/535 Sch. 2 para. 2\(b\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 3-68-10](#)

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. para. 6(3) inserted by [S.I. 2010/1088 reg. 25](#)
- Sch. para. 8A inserted by [S.I. 2010/1088 reg. 28](#)
- Sch. para. 9(7)(8) inserted by [S.I. 2010/1088 reg. 29\(b\)](#)
- Sch. para. 7(3)(4) substituted for Sch, para. 7(3) by [S.I. 2010/1088 reg. 26](#)
- reg. 2(4B)(a) omitted by [S.I. 2019/535 Sch. 2 para. 3\(d\)\(i\)](#)
- reg. 2(4B)(b) word substituted by [S.I. 2019/535 Sch. 2 para. 3\(d\)\(ii\)](#)
- reg. 2(4B)(c) word substituted by [S.I. 2019/535 Sch. 2 para. 3\(d\)\(ii\)](#)
- reg. 16(1A) inserted by [S.I. 2010/1088 reg. 8\(a\)](#)
- reg. 17(4)(dd) inserted by [S.I. 2010/1088 reg. 9\(b\)](#)
- reg. 17(4A) inserted by [S.I. 2010/1088 reg. 9\(d\)](#)
- reg. 17(9) inserted by [S.I. 2010/1088 reg. 9\(f\)](#)
- reg. 18A inserted by [S.I. 2010/1088 reg. 10](#)
- reg. 18A(1)(a) words inserted by [S.I. 2019/535 Sch. 2 para. 14](#)
- reg. 18A(1)(b) words inserted by [S.I. 2019/535 Sch. 2 para. 14](#)
- reg. 19A-19F inserted by [S.I. 2010/1088 reg. 11](#)
- reg. 19B(1)(a) and word omitted by [S.I. 2019/535 Sch. 2 para. 15](#)
- reg. 19E(1)(a) words substituted by [S.I. 2019/535 Sch. 2 para. 16](#)
- reg. 19F omitted by [S.I. 2019/535 Sch. 2 para. 17](#)
- reg. 20(A1) inserted by [S.I. 2019/535 Sch. 2 para. 18\(a\)](#)
- reg. 20(7A) inserted by [S.I. 2010/1088 reg. 12\(c\)](#)
- reg. 21(1A) inserted by [S.I. 2010/1088 reg. 13\(b\)](#)
- reg. 21(1A)(a) words inserted by [S.I. 2019/535 Sch. 2 para. 19\(b\)](#)
- reg. 21(6A) inserted by [S.I. 2010/1088 reg. 13\(e\)](#)
- reg. 21A inserted by [S.I. 2010/1088 reg. 14](#)
- reg. 21A(1)(a) omitted by [S.I. 2019/535 Sch. 2 para. 20\(a\)\(i\)](#)
- reg. 21A(1)(c) words omitted by [S.I. 2019/535 Sch. 2 para. 20\(a\)\(ii\)](#)
- reg. 21A(3) word omitted by [S.I. 2019/535 Sch. 2 para. 20\(b\)](#)
- reg. 21A(10)(c)(i) omitted by [S.I. 2019/535 Sch. 2 para. 20\(c\)\(i\)](#)
- reg. 21A(10)(c)(iii) words omitted by [S.I. 2019/535 Sch. 2 para. 20\(c\)\(ii\)](#)
- reg. 25(1A) inserted by [S.I. 2010/1088 reg. 16](#)
- reg. 25(1A)(a) omitted by [S.I. 2019/535 Sch. 2 para. 21\(b\)](#)
- reg. 27(2A) inserted by [S.I. 2014/386 Sch. para. 7](#)
- reg. 27(2B) inserted by [S.R. 2020/4 Sch. para. 12](#)
- reg. 27A inserted by [S.I. 2014/386 Sch. para. 8](#)

- reg. 27B inserted by S.R. 2020/4 Sch. para. 13
- reg. 41(7A) inserted by S.I. 2004/2518 reg. 2
- reg. 41(7A) words substituted by S.I. 2009/3348 art. 22Sch. 1
- reg. 41(9) inserted by S.I. 2013/1956 Sch. para. 3(b)
- reg. 44-45A substituted for reg. 44 by S.I. 2010/1088 reg. 23
- reg. 44(4)-(7) omitted by S.I. 2019/535 Sch. 2 para. 27(b)
- reg. 45(4)-(7) omitted by S.I. 2019/535 Sch. 2 para. 28(b)
- reg. 45A(1) substituted by S.I. 2019/535 Sch. 2 para. 29(a)
- reg. 45A(2)(a) words inserted by S.I. 2019/535 Sch. 2 para. 29(b)
- reg. 45A(3) word substituted by S.I. 2019/535 Sch. 2 para. 29(c)
- reg. 45A(3A) inserted by S.I. 2019/535 Sch. 2 para. 29(d)
- reg. 45A(4) omitted by S.I. 2019/535 Sch. 2 para. 29(e)
- reg. 45A(5) substituted by S.I. 2019/535 Sch. 2 para. 29(f)
- reg. 46A inserted by S.I. 2004/2326 reg. 53
- reg. 46A substituted by S.I. 2009/2401 reg. 40
- reg. 46A(1) words substituted by S.I. 2019/685 Sch. 3 para. 19(a)
- reg. 46A(2) substituted by S.I. 2019/685 Sch. 3 para. 19(b)
- reg. 46B inserted by S.I. 2006/2059 reg. 42