

---

STATUTORY INSTRUMENTS

---

**2010 No. 1088**

**The Transnational Information and Consultation  
of Employees (Amendment) Regulations 2010**

**Amendment of regulation 21**

**13.** In regulation 21 (disputes about operation of European Works Council or information and consultation procedure)—

(a) for paragraph (1) substitute—

“**21.**—(1) Where—

(a) a European Works Council or information and consultation procedure has been established under regulation 17; or

(b) a European Works Council has been established by virtue of regulation 18, a complaint may be presented to the CAC by a relevant applicant where paragraph (1A) applies.”;

(b) after paragraph (1) insert—

“(1A) This paragraph applies where a relevant applicant considers that, because of the failure of a defaulter—

(a) the terms of the agreement under regulation 17 or, as the case may be, the provisions of the Schedule, have not been complied with; or

(b) regulation 18A has not been complied with, or the information which has been provided by the management under regulation 18A is false or incomplete in a material particular.

(1B) A complaint brought under paragraph (1) must be brought within a period of six months beginning with the date of the alleged failure or non-compliance.”;

(c) in paragraphs (4) and (9) and in the first reference in paragraph (6) for “Appeal Tribunal” substitute “CAC”;

(d) in paragraph (6) omit the words after the first reference to “central management” and insert “the relevant applicant may, within the period of three months beginning with the date on which the decision is made, make an application to the Appeal Tribunal for a penalty notice to be issued.”;

(e) after paragraph (6) insert—

“(6A) Where such an application is made, the Appeal Tribunal shall issue a written penalty notice to the central management requiring it to pay a penalty to the Secretary of State in respect of the failure.”; and

(f) in paragraph (7) for “(6)” substitute “(6A)”.