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STATUTORY INSTRUMENTS

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**2022 No. 1181**

**TERMS AND CONDITIONS OF EMPLOYMENT**

**The Employment Tribunals Act 1996 (Application  
of Conciliation Provisions) Order 2022**

<i>Made</i>	- - - -	<i>8th November 2022</i>
<i>Laid before Parliament</i>		<i>14th November 2022</i>
<i>Coming into force</i>	- -	<i>5th December 2022</i>

The Secretary of State and the Lord Chancellor, acting jointly, in exercise of the powers conferred by section 18(8) and (9) of the Employment Tribunals Act 1996<sup>(1)</sup>, make the following Order.

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Employment Tribunals Act 1996 (Application of Conciliation Provisions) Order 2022.

- (2) This Order comes into force on the 5th December 2022.
- (3) This Order extends to England and Wales and Scotland.

**Amendment to the Employment Tribunals Act 1996**

2.—(1) The Employment Tribunals Act 1996 is amended in accordance with paragraph (2).

(2) In section 18 (conciliation: relevant proceedings etc), in subsection (1)—

- (a) omit the word “or” at the end of paragraph (z5);
- (b) at the end of paragraph (z6) insert—

“, or

(z7) under regulation 8 of the Exclusivity Terms for Zero Hours Workers (Unenforceability and Redress) Regulations 2022.”.

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(1) 1996 c. 17; by virtue of section 1 of the Employment Rights (Dispute Resolution) Act 1998 (c. 8) industrial tribunals were renamed employment tribunals and references to “industrial tribunal” or “industrial tribunals” in any enactment were substituted with “employment tribunal” and “employment tribunals”. Section 18(8) was amended by the Tribunals, Courts and Enforcement Act 2007 (c. 15), Schedule 8, paragraphs 35 and 38, and the Enterprise and Regulatory Reform Act 2013 (c. 24), section 9. Section 18(9) was inserted by the Enterprise and Regulatory Reform Act 2013, section 9.

### **Amendment to the Exclusivity Terms for Zero Hours Workers (Unenforceability and Redress) Regulations 2022**

3.—(1) The Exclusivity Terms for Zero Hours Workers (Unenforceability and Redress) Regulations 2022(2) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 8 (complaints to employment tribunals) after paragraph (2) insert—

“(2A) Regulation 8A (extension of time limit to facilitate conciliation before institution of proceedings) applies for the purposes of paragraph (2).”.

(3) After regulation 8 (complaints to employment tribunals) insert—

#### **“Extension of time limit to facilitate conciliation before institution of proceedings**

**8A.**—(1) In this regulation—

(a) Day A is the day on which the worker 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

(b) Day B is the day on which the worker 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.

(2) In working out when the time limit set by regulation 8(2) expires the period beginning with the day after Day A and ending with Day B is not to be counted.

(3) If the time limit set by regulation 8(2) would (if not extended by this paragraph) 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.

(4) The power conferred on the employment tribunal by regulation 8(3) to extend the time limit set by paragraph (2) of that regulation is exercisable in relation to that time limit as extended by this regulation.”.

8th November 2022

8th November 2022

*Kevin Hollinrake*  
Parliamentary Under Secretary of State  
Department for Business, Energy and Industrial  
Strategy  
*Bellamy*  
Parliamentary Under Secretary of State  
Ministry of Justice

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends section 18(1) of the Employment Tribunals Act 1996 and makes amendments to the Exclusivity Terms for Zero Hours Workers (Unenforceability and Redress) Regulations 2022.

Section 18(1) of the Employment Tribunals Act 1996 sets out “relevant proceedings” for the purposes of early conciliation and other conciliation services provided by the Advisory, Conciliation and Arbitration Service. This Order adds proceedings under regulation 8 of the Exclusivity Terms for Zero Hours Workers (Unenforceability and Redress) Regulations 2022 to the list of relevant proceedings under section 18(1).

This Order also makes amendments to the limitation period provided for in the Exclusivity Terms for Zero Hours Workers (Unenforceability and Redress) Regulations 2022 to reflect the amendment made to section 18 of the Employment Tribunals Act 1996.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.