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STATUTORY INSTRUMENTS

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**2014 No. 431**

**TERMS AND CONDITIONS OF EMPLOYMENT**

**The Employment Tribunals Act 1996 (Application  
of Conciliation Provisions) Order 2014**

*Made* - - - - 25th February 2014  
*Laid before Parliament* 28th February 2014  
*Coming into force* - - 6th April 2014

The Secretary of State and the Lord Chancellor, acting jointly, in exercise of the powers conferred on them by sections 18(8) and (9) and 41(4) of the Employment Tribunals Act 1996(1), make the following Order.

**Citation and commencement**

1. This Order may be cited as the Employment Tribunals Act 1996 (Application of Conciliation Provisions) Order 2014 and comes into force on 6th April 2014.

**Amendment to the Employment Tribunals Act 1996**

2. In section 18(1) of the Employment Tribunals Act 1996 for paragraphs (a) to (y) substitute—

“(a) “(a) under section 66, 68A, 70C, 87, 137, 138, 145A, 145B, 146, 168, 168A, 169, 170, 174, 189 or 192 of, or paragraph 156 of Schedule A1 to, the Trade Union and Labour Relations (Consolidation) Act 1992(2),

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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.
- (2) 1992 c. 52. Section 66 was amended by the Trade Union Reform and Employment Rights Act 1993 (c. 19), Schedule 8, paragraph 50, and by the Enterprise and Regulatory Reform Act 2013, Schedule 2 paragraphs 1 and 2. Section 68A was inserted by the Trade Union Reform and Employment Rights Act 1993, section 15, and was amended by the Employment Rights Act 1996 (c. 18), Schedule 1, paragraph 56(1) and (4), SI 1998/1529, and by the Enterprise and Regulatory Reform Act 2013, Schedule 2, paragraphs 1 and 3. Section 70C was inserted by the Employment Relations Act 1999 (c. 26) and was amended by the Enterprise and Regulatory Reform Act 2013, Schedule 2, paragraphs 1 and 4. Section 87 was amended by the Enterprise and Regulatory Reform Act 2013, Schedule 2, paragraphs 1 and 5. Section 138 was amended by the Enterprise and Regulatory Reform Act 2013, Schedule 3, paragraph 1. Sections 145A and 145B were inserted by the Employment Relations Act 2004 (c. 24), section 29. Section 146 was amended by the Employment Relations Act 1999, Schedule 2, paragraphs 1 and 2, and by the Employment Relations Act 2004, section 30(1) to (7), section 31(1) to (4), Schedule 1, paragraph 8 and Schedule 2, and is modified by S.I. 2003/1964 and S.I. 2006/1073. Section 168 was amended by S.I. 1999/1925 and S.I. 2006/246. Section 168A was inserted by the Employment Act 2002 (c. 22), section 43(1) and (2). S.I. 2003/1190 contains

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- (b) under section 11, 23, 34, 63I, 70, 70A, 80(1), 80H, 93, 111, 163 or 177 of the Employment Rights Act 1996, or under Part 5 or 6 of that Act**(3)**,
- (c) under section 11, 19D(1)(a) or 24 of the National Minimum Wage Act 1998**(4)**,
- (d) under section 56 of the Pensions Act 2008**(5)**,
- (e) under section 120 or 127 of the Equality Act 2010**(6)**,
- (f) under regulation 11 of the Safety Representatives and Safety Committees Regulations 1977**(7)**,
- (g) under article 6 of the Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994**(8)**,
- (h) under article 6 of the Employment Tribunals Extension of Jurisdiction (Scotland) Order 1994**(9)**,
- (i) under paragraph 2 of Schedule 2 to the Health and Safety (Consultation with Employees) Regulations 1996**(10)**,
- (j) under regulation 30 of the Working Time Regulations 1998**(11)**,
- (k) under regulation 27 or 32 of the Transnational Information and Consultation of Employees Regulation 1999**(12)**,

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- relevant provisions relating to section 168A. Section 169 was amended by the Employment Act 2002, section 43(1) and (3). Section 170 was amended by the Employment Act 2002, section 43(1), (4) and (5). Section 174 was substituted by the Trade Union Reform and Employment Rights Act 1993, section 14, the Employment Relations Act 2004, section 33(1) to (3) and (7), and by the Employment Act 2008 (c. 24), section 19(1) and (2). S.I. 2009/603 contains relevant provisions relating to section 174. Section 189 was amended by S.I. 1995/2587, 1999/1925, and by the Enterprise and Regulatory Reform Act 2013, Schedule 2, paragraphs 1 and 11. Section 192 was amended by the Enterprise and Regulatory Reform Act 2013, Schedule 2, paragraphs 1 and 12. Schedule A1 was inserted by the Employment Relations Act 1999, Schedule 1.
- (3) 1996 c. 18. Section 11 was amended by S.I. 2011/1133 and the Enterprise and Regulatory Reform Act 2013, Schedule 2, paragraphs 15 and 16. Section 23 was amended by the Employment Rights (Dispute Resolution) Act 1998, Schedule 1, paragraph 18, S.I. 2011/1133 and the Enterprise and Regulatory Reform Act 2013, Schedule 2, paragraph 15 and 17. Section 34 was amended by S.I. 2011/1133 and the Enterprise and Regulatory Reform Act 2013, Schedule 2, paragraphs 15 and 18. Section 48 was amended by S.I. 1998/1833, the Public Interest Disclosure Act 1998 (c. 23), section 3, the Teaching and Higher Education Act 1998 (c. 30), Schedule 3, paragraphs 10 and 11, the Employment Relations Act 1999, Schedule 4, paragraphs 5 and 9, the Tax Credits Act 2002 (c. 21), Schedule 1, paragraph 1, the Employment Act 2002, Schedule 7, paragraphs 24 and 27, the Employment Relations Act 2004, section 40(2), the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), Schedule 1, paragraphs 1 and 2, S.I. 2011/1133, the Enterprise and Regulatory Reform Act 2013, section 19(2) and Schedule 2, paragraphs 15 and 19, and the Growth and Infrastructure Act 2013 (c. 27) section 31. Section 63I was inserted by the Apprenticeships, Skills, Children and Learning Act 2009, section 40(1) and (2), and amended by S.I. 2011/1133 and the Enterprise and Regulatory Reform Act 2013, Schedule 2, paragraphs 15 and 28. S.I. 2010/156 contains relevant provisions relating to section 63I. Section 70 was amended by S.I. 2011/1133 and the Enterprise and Regulatory Reform Act 2013, Schedule 2, paragraphs 15 and 29. Section 70A was inserted by S.I. 2011/93 and amended by the Enterprise and Regulatory Reform Act 2013, Schedule 2, paragraphs 15 and 30. Section 80 was amended by S.I. 2011/1133 and the Enterprise and Regulatory Reform Act 2013, Schedule 2, paragraphs 15 and 31. Section 80H was amended by S.I. 2011/1133 and the Enterprise and Regulatory Reform Act 2013, Schedule 2, paragraphs 15 and 32. Section 111 was amended by S.I. 2010/493, 2011/1133, and the Enterprise and Regulatory Reform Act 2013, Schedule 2, paragraphs 15 and 33. Section 163 was amended by the Employment Act 2008, section 7(2). S.I. 2008/3232 contains relevant provisions relating to section 163. Rights were inserted into Part 6 by the Teaching and Higher Education Act 1998, section 33, the Employment Relations Act 1999, Schedule 4, Part 2, paragraph 1, and S.I. 2010/93. Further relevant amendments to Part 6 were made by S.I. 2011/1133 and the Enterprise and Regulatory Reform Act 2013, Schedule 2.
  - (4) 1998 c. 39. Section 11 was amended by the Enterprise and Regulatory Reform Act 2013, Schedule 2, paragraphs 36 and 37. Section 19D was inserted by the Employment Act 2008, section 9(1). Section 24 was amended by the Enterprise and Regulatory Reform Act 2013, Schedule 2, paragraphs 36 and 39.
  - (5) 2008 c. 30.
  - (6) 2010 c. 15. Section 120 was amended by the Crime and Courts Act 2013 (c. 22), Schedule 9, Part 3, paragraph 52. Section 127 was amended by the Crime and Courts Act 2013, Schedule 9, Part 3, paragraph 52.
  - (7) S.I. 1977/500.
  - (8) S.I. 1994/1623.
  - (9) S.I. 1994/1624.
  - (10) S.I. 1996/1513.
  - (11) S.I. 1998/1833. Regulation 30 was amended by S.I. 2001/3256, 2002/3128, 2003/1684, 2004/752, 2007/2079, and 2011/1133.
  - (12) S.I. 1999/3323.

- (l) under regulation 8 of the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000**(13)**,
- (m) under regulation 7 or 9 of the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002**(14)**,
- (n) under regulation 22 of the Merchant Shipping (Hours of Work) Regulations 2002**(15)**,
- (o) under regulation 15 of the Flexible Working (Procedural Requirements) Regulations 2002**(16)**,
- (p) under regulation 18 of the Merchant Shipping (Working Time: Inland Waterways) Regulations 2003**(17)**,
- (q) under regulation 18 of the Civil Aviation (Working Time) Regulations 2004**(18)**,
- (r) under regulation 19 of the Fishing Vessels (Working Time: Sea-fishermen) Regulations 2004**(19)**,
- (s) under regulation 29 or 33 of the Information and Consultation of Employees Regulations 2004**(20)**,
- (t) under paragraphs 4 or 8 of the Schedule to the Occupational and Personal Pension Schemes (Consultation by Employers and Miscellaneous Amendment) Regulations 2006**(21)**,
- (u) under regulation 30 or 34 of the European Cooperative Society (Involvement of Employees) Regulations 2006**(22)**,
- (v) under regulation 45 or 51 of the Companies (Cross-Border Mergers) Regulations 2007**(23)**,
- (w) under regulation 17 of the Cross-border Railway Services (Working Time) Regulations 2008**(24)**,
- (x) under regulation 9 of Ecclesiastical Offices (Terms of Service) Regulations 2009**(25)**,
- (y) under regulation 28 or 32 of the European Public Limited-Liability Company (Employee Involvement) (Great Britain) Regulations 2009**(26)**,
- (z) under regulation 18 of the Agency Workers Regulations 2010**(27)**,
- (z1) under regulation 17 of the Employee Study and Training (Procedural Requirements) Regulations 2010**(28)**, or
- (z2) under regulation 5, 6 or 9 of the Employment Relations Act 1999 (Blacklists) Regulations 2010**(29)**.”.

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**(13)** S.I. 2000/1551. Regulation 8 was amended by S.I. 2002/2035.

**(14)** S.I. 2002/2034.

**(15)** S.I. 2002/2125. Regulation 22 was inserted by S.I. 2014/308.

**(16)** S.I. 2002/3207.

**(17)** S.I. 2003/3049.

**(18)** S.I. 2004/756.

**(19)** S.I. 2004/1713.

**(20)** S.I. 2004/3426.

**(21)** S.I. 2006/349.

**(22)** S.I. 2006/2059.

**(23)** S.I. 2007/2974.

**(24)** S.I. 2008/1660.

**(25)** S.I. 2009/2108.

**(26)** S.I. 2009/2401.

**(27)** S.I. 2010/93. Regulation 18 was amended by the Enterprise and Regulatory Reform Act 2013, Schedule 13, paragraph 6.

**(28)** S.I. 2010/155.

**(29)** S.I. 2010/493.

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### **Consequential amendments**

3. The amendments in the Schedule to this Order have effect.

18th February 2014

*Jenny Willott*  
Parliamentary Under Secretary of State for  
Employment Relations and Consumer Affairs  
Department for Business, Innovation and Skills

25th February 2014

*Shailesh Vara*  
Parliamentary Under Secretary of State for  
Ministry of justice  
Ministry of Justice

SCHEDULE

Article 3

**Trade Union and Labour Relations (Consolidation) Act 1992**

1. In section 189(5A)(30) of the Trade Union and Labour Relations (Consolidation) Act 1992 after “section 188” insert “or 188A”.

**Employment Rights Act 1996**

2. The Employment Rights Act 1996 is amended as follows.

3. In section 11(6)(31) for “Where the reference concerns compliance with section 8, section” substitute “Section”.

4. In section 203(2)(f)(32)—

- (a) in paragraph (i) for “paragraph (d)” substitute “paragraph (b)”;
- (b) in paragraph (ii) for “paragraph (h)” substitute “paragraph (l)”;
- (c) in paragraph (iii) for “paragraph (i)” substitute “paragraph (m)”;
- (d) omit paragraph (iv).

**National Minimum Wage Act 1998**

5. In section 49(3)(a) of the National Minimum Wage Act 1998 for “section 18(1)(dd)” substitute “section 18(1)(c)”.

**Employment Relations Act 1999**

6. In section 14(b) of the Employment Relations Act 1999 for “section 18(1)(d)” substitute “section 18(1)(b)”.

**Safety Representatives and Safety Committees Regulations 1977**

7. The Safety Representatives and Safety Committees Regulations 1977 are amended as follows.

8. In regulation 11 after paragraph (2) insert—

“(2A) Regulation 12 (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of paragraph (2).”.

9. After regulation 11 insert—

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

12. (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)(33) in relation to the matter in respect of which the proceedings are brought, and

(30) Section 189 was amended by [S.I. 1995/2587](#), [1999/1925](#) and the Enterprise and Regulatory Reform Act 2013, Schedule 2, paragraph 11.

(31) Section 11 was amended by [S.I. 2011/1133](#) and the Enterprise and Regulatory Reform Act 2013, Schedule 2, paragraph 16.

(32) Section 203(f) was amended by [S.I. 2002/2034](#).

(33) Section 18A was inserted by the Enterprise and Regulatory Reform Act 2013, section 7.

- (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 three month time limit set by regulation 11(2) expires the period beginning with the day after Day A and ending with Day B is not to be counted.
- (3) If the three month time limit set by regulation 11(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 paragraph (2) of regulation 11 to extend the three month time limit set by that paragraph is exercisable in relation to that time limit as extended by this regulation.”.

### **Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994**

**10.** The Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994 is amended as follows.

- 11.** In articles 7 and 8(34) for “article 8A” substitute “articles 8A and 8B”.
- 12.** After article 8A(35) insert—

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

- 8B.** (1) This article applies where this Order provides for it to apply for the purposes of a provision of this Order (“a relevant provision”).
- (2) In this article—
  - (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.
- (3) In working out when the 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 the time limit set by a relevant provision 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.
- (5) Where an employment tribunal has power under this Order to extend the time limit set by a relevant provision, the power is exercisable in relation to that time limit as extended by this regulation.”.

### **Employment Tribunals Extension of Jurisdiction (Scotland) Order 1994**

**13.** The Employment Tribunals Extension of Jurisdiction (Scotland) Order 1994 is amended as follows.

- 14.** In articles 7 and 8(36) for “article 8A” substitute “articles 8A and 8B”.

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(34) Article 7 was amended by [S.I. 2004/752, 2011/1133](#). Article 8 was amended by [S.I. 2011/1133](#).

(35) Article 8A was inserted by [S.I. 2011/1133](#).

(36) Article 7 was amended by [S.I. 2004/752, 2011/1133](#). Article 8 was amended by [S.I. 2011/1133](#).

15. After article 8A(37) insert—

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

**8B.** (1) This article applies where this Order provides for it to apply for the purposes of a provision of this Order (“a relevant provision”).

(2) In this article—

(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.

(3) In working out when the 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 the time limit set by a relevant provision 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.

(5) Where an employment tribunal has power under this Order to extend the time limit set by a relevant provision, the power is exercisable in relation to that time limit as extended by this regulation.”.

**Health and Safety (Consultation with Employees) Regulations 1996**

16. Schedule 2 to the Health and Safety (Consultation with Employees) Regulations 1996 is amended as follows.

17. In paragraph 3 for “An employment tribunal” substitute “Subject to paragraph 3A an employment tribunal”.

18. After paragraph 3 insert—

**“3A.** (1) In this paragraph—

(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 three month time limit set by paragraph 3 expires the period beginning with the day after Day A and ending with Day B is not to be counted.

(3) If the three month time limit set by paragraph 3 would (if not extended by this subparagraph) 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 paragraph 3 to extend the three month time limit set by that paragraph is exercisable in relation to that time limit as extended by this paragraph.”.

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(37) Article 8A was inserted by [S.I. 2011/1133](#).

### **Working Time Regulations 1998**

19. In regulation 35 of the Working Time Regulations 1998, in paragraph (2)(b), for “section 18(1)(ff)” substitute “section 18(1)(j)”.

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

20. In regulation 41 of the Transnational Information and Consultation of Employees Regulations 1999, in paragraph (3)(a), for “section 18(1)(g)” substitute “section 18(1)(k)”.

### **Merchant Shipping (Hours of Work) Regulations 2002**

21. The Merchant Shipping (Hours of Work) Regulations 2002 are amended as follows.
22. In regulation 3A, in paragraph (c)(iii), for “section 18(1)(y)” substitute “section 18(1)(n)”.
23. In regulation 22(38) after paragraph (2) insert—
- “(2A) Regulation 22A (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of paragraph (2)(a).”.
24. After regulation 22 insert—

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

22A. (1) In this regulation—

- (a) Day A is the day on which the seafarer 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 seafarer 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 22(2)(a) 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 22(2)(a) 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 22(2)(b) to extend the time limit set by paragraph (2)(a) of that regulation is exercisable in relation to that time limit as extended by this regulation.”.

25. In regulation 23(39), in paragraph (2)(b), for “section 18(1)(y)” substitute “section 18(1)(n)”.

### **Flexible Working (Procedural Requirements) Regulations 2002**

26. The Flexible Working (Procedural Requirements) Regulations 2002 are amended as follows.
27. In regulation 15 after paragraph (2) insert—
- “(2A) Regulation 15A (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of paragraph (2)(a).”.
28. After regulation 15 insert—

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(38) Regulation 22 was inserted by S.I. 2014/308.

(39) Regulation 23 was inserted by S.I. 2014/308.



**“Extension of time limits to facilitate conciliation before institution of proceedings**

**15A.** (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 15(2)(a) 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 a regulation 15(2)(a) 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 15(2)(b) to extend the time limit set by paragraph (2)(a) of that regulation is exercisable in relation to that time limit as extended by this regulation.”.

**Merchant Shipping (Working Time: Inland Waterways) Regulations 2003**

**29.** In the Merchant Shipping (Working Time: Inland Waterways) Regulations 2003—

- (a) in regulation 4, in paragraph (d), for “section 18(1)(m)” substitute “section 18(1)(p)”; and
- (b) in regulation 19, in paragraph (2)(b), for “section 18(1)(m)” substitute “section 18(1)(p)”.

**Civil Aviation (Working Time) Regulations 2004**

**30.** The Civil Aviation (Working Time) Regulations 2004 are amended as follows.

**31.** In regulation 18 after paragraph (2) insert—

“(2A) Regulation 19 (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of paragraph (2)(a).”.

**32.** After regulation 18 insert—

**“Extension of time limits to facilitate conciliation before institution of proceedings**

**19.** (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 18(2)(a) 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 18(2)(a) 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 18(2)(b) to extend the time limit set by paragraph (2)(a) of that regulation is exercisable in relation to that time limit as extended by this regulation.”.

#### **Fishing Vessels (Working Time: Sea-fisherman) Regulations 2004**

33. In the Fishing Vessels (Working Time: Sea-fisherman) Regulations 2004—
- (a) in regulation 4, in paragraph (f), for “section 18(1)(n)” substitute “section 18(1)(r)”;
  - (b) in regulation 20, in paragraph (2)(b), for “section 18(1)(n)” substitute “section 18(1)(r)”.

#### **European Cooperative Society (Involvement of Employees) Regulations 2006**

34. In the European Cooperative Society (Involvement of Employees) Regulations 2006—
- (a) in regulation 41, in paragraph (3), for “section 18(1)(s)” substitute “section 18(1)(u)”;
  - (b) in Schedule 3, in paragraph 18(2), for “section 18(1)(s)” substitute “section 18(1)(u)”.

#### **Ecclesiastical Offices (Terms of Service) Regulations 2009**

35. The Ecclesiastical Offices (Terms of Service) Regulations 2009 are amended as follows.
36. In regulation 9 after paragraph (4) insert—
- “(5) Regulation 9A (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of paragraph (4)(a).”.
37. After regulation 9 insert—

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

- 9A. (1) In this regulation—
- (a) Day A is the day on which the office holder 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 office holder 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 9(4)(a) 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 9(4)(a) 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 9(4)(b) to extend the time limit set by paragraph (4)(a) of that regulation is exercisable in relation to that time limit as extended by this regulation.”.

#### **European Public Limited-Liability Company (Employee Involvement) (Great Britain) Regulations 2009**

38. In regulation 39 of the European Public Limited-Liability Company (Employee Involvement) (Great Britain) Regulations 2009, in paragraph (3), for “section 18(1)(v)” substitute “section 18(1)(y)”.

## **Employee Study and Training (Procedural Requirements) Regulations 2010**

39. The Employee Study and Training (Procedural Requirements) Regulations 2010 are amended as follows.

40. In regulation 17 after paragraph (2) insert—

“(2A) Regulation 17A (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of paragraph (2)(a).”.

41. After regulation 17 insert—

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

17A. (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 17(2)(a) 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 17(2)(a) 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 17(2)(b) to extend the time limit set by paragraph (2)(a) of that regulation is exercisable in relation to that time limit as extended by this regulation.”.

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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. Section 18(1) lists the proceedings which are relevant proceedings for the purposes of early conciliation and other conciliation services provided by the Advisory, Conciliation and Arbitration Service. The amendments made by this Order add to the list of jurisdictions in section 18(1) and reorder the list chronologically. The list is also revised by this Order to refer solely to the legislative provisions under which individuals present complaints to Employment Tribunals.

The Schedule to this Order makes consequential amendments to the limitation periods which apply to the jurisdictions added to the list and makes consequential amendments to cross references to paragraphs in section 18(1) which appear in other pieces of legislation.

A regulatory impact assessment on the introduction of early conciliation is available and a copy can be obtained from the Department for Business Innovation and Skills, Labour Market Directorate,

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1 Victoria Street, London, SW1H 0ET. Copies have also been placed in the libraries of both Houses of Parliament.