STATUTORY INSTRUMENTS

2015 No. 226

TERMS AND CONDITIONS OF EMPLOYMENT

The Employment Rights (Increase of Limits) Order 2015

Made - - - -	*11th February 2015*
Laid before Parliament	*13th February 2015*
Coming into force - -	*6th April 2015*

The Secretary of State makes the following Order in exercise of the powers conferred by section 34 of the Employment Relations Act 1999(**1**).

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Employment Rights (Increase of Limits) Order 2015 and shall come into force on 6th April 2015.

(2) In this Order—

"the 1992 Act" means the Trade Union and Labour Relations (Consolidation) Act 1992(**2**); and

"the 1996 Act" means the Employment Rights Act 1996(**3**).

Revocation

2. The Employment Rights (Increase of Limits) Order 2014(**4**) is revoked.

Increase of limits

3. In the provisions set out in column 1 of the Schedule to this Order (generally described in column 2), for the sums specified in column 3 substitute the sums specified in column 4.

(**1**) 1999 c.26; section 34(1) was amended by the Employment Relations Act 2004 (c.24), section 57(1) and Schedule 1, paragraph 42(1), (2) and (3); section 34(2) was amended by the Enterprise and Regulatory Reform Act 2013 (c.24), section 22(1) and (2); section 34(3) was amended by the Enterprise and Regulatory Reform Act 2013, section 22(1) and (3); sections 34(4A) and (4B) were inserted by the Enterprise and Regulatory Reform Act 2013, section 15(10); and section 34(5) was amended by the Statistics and Registration Service Act 2007 (c.18), section 60(1) and Schedule 3, paragraph 11(a) and (b).
(**2**) 1992 c.52.
(**3**) 1996 c.18.
(**4**) S.I. 2014/382.

Transitional provisions

4.—(1) The revocation in article 2 and the substitutions made in article 3 do not have effect in relation to a case where the appropriate date falls before 6th April 2015.

(2) In this article "the appropriate date" means—

(a) in the case of an application made under section 67(1) of the 1992 Act(**5**) (compensation for unjustifiable discipline by a trade union), the date of the determination infringing the applicant's right;

(b) in the case of a complaint presented under section 70C(1) of the 1992 Act(**6**) (failure by an employer to consult with a trade union on training matters), the date of the failure;

(c) in the case of a complaint presented under section 137(2) of the 1992 Act (refusal of employment on grounds related to union membership) or section 138(2) of that Act (refusal of service of employment agency on grounds related to union membership), the date of the conduct to which the complaint relates, as determined under section 139 of that Act(**7**);

(d) in the case of an award under section 145E(2)(b) of the 1992 Act (award to worker in respect of offer made by employer in contravention of section 145A or 145B of that Act(**8**)), the date of the offer;

(e) in the case of an application for an award of compensation under section 176(2) of the 1992 Act(**9**) (compensation for exclusion or expulsion from a trade union), the date of the exclusion or expulsion from the union;

(f) in the case of an award under paragraph 159(1) of Schedule A1 to the 1992 Act(**10**), where a worker has suffered a detriment that is the termination of the worker's contract, the date of the termination;

(g) in the case of a guarantee payment to which an employee is entitled under section 28(1) of the 1996 Act (right to guarantee payment in respect of workless day), the day in respect of which the payment is due;

(h) in the case of an award of compensation under section 49(1)(b) of the 1996 Act(**11**) by virtue of section 24(2) of the National Minimum Wage Act 1998(**12**), where a worker has suffered a detriment that is the termination of the worker's contract, the date of the termination;

(i) in the case of an award of compensation under section 63J(1)(b) of the 1996 Act(**13**) (employer's failure, refusal or part refusal following request in relation to study or training), the date of the failure, refusal or part refusal (as the case may be);

(j) in the case of an award of compensation under section 80I(1)(b) of the 1996 Act(**14**) (complaint to an employment tribunal relating to an application for contract variation), the date of the failure in relation to the application or of the decision to reject the application;

(**5**) Section 67(1) was amended by the Employment Relations Act 2004, section 34(1) and (2).
(**6**) Section 70C was inserted by the Employment Relations Act 1999 (c.26), section 5.
(**7**) Sections 137(2), 138(2) and 139(1) were amended by the Employment Rights (Dispute Resolution) Act 1998 (c.8), section 1(2)(a). Section 139(4) was inserted by the Enterprise and Regulatory Reform Act 2013, Schedule 2, paragraphs 1 and 6.
(**8**) Sections 145A, 145B and 145E were inserted by the Employment Relations Act 2004, section 29.
(**9**) Section 176 was substituted by the Trade Union Reform and Employment Rights Act 1993 (c.19), section 14. Section 176(2) was amended by the Employment Relations Act 2004, section 34(7) and (8), section 57(2) and Schedule 2.
(**10**) Schedule A1 was inserted by the Employment Relations Act 1999, section 1(1) and (3) and Schedule 1.
(**11**) Section 49(1) was amended by the Employment Rights (Dispute Resolution) Act 1998, section 1(2)(a) and the Children and Families Act 2014 (c.6), section 129(3)(a).
(**12**) 1998 c.39; section 24(2) was amended by the Enterprise and Regulatory Reform Act 2013, Schedule 2, paragraphs 36 and 39.
(**13**) Section 63J was inserted by the Apprenticeships, Skills, Children and Learning Act 2009 (c.22), section 40(1) and (2).
(**14**) Section 80I was inserted by the Employment Act 2002 (c.22), section 47(1) and (2).

(k) in the case of an award under section 112(4) or (5) of the 1996 Act (award in relation to unfair dismissal), the effective date of termination as defined by section 97 of that Act(**15**);

(l) in the case of an award under section 117(1) or (3) of the 1996 Act(**16**), where an employer has failed to comply fully with the terms of an order for reinstatement or re-engagement or has failed to reinstate or re-engage the complainant in accordance with such an order, the date by which the order for reinstatement (specified under section 114(2)(c) of that Act) or, as the case may be, re-engagement (specified under section 115(2)(f) of that Act), should have been complied with;

(m) in the case of entitlement to a redundancy payment by virtue of section 135(1)(a) of the 1996 Act (dismissal by reason of redundancy), the relevant date as defined by section 145 of that Act(**17**);

(n) in the case of entitlement to a redundancy payment by virtue of section 135(1)(b) of the 1996 Act (eligibility for a redundancy payment by reason of being laid off or kept on short-time), the relevant date as defined by section 153 of that Act;

(o) in the case of entitlement to a payment under section 182 of the 1996 Act (payments by the Secretary of State), the appropriate date as defined by section 185 of that Act;

(p) in the case of a complaint presented under section 11(1) of the Employment Relations Act 1999(**18**) (failure or threatened failure to allow the worker to be accompanied at the disciplinary or grievance hearing, to allow the companion to address the hearing or confer with the worker, or to postpone the hearing), the date of the failure or threat;

(q) in the case of an award made under section 38(2) of the Employment Act 2002(**19**) (failure to give statement of employment particulars etc), the date the proceedings to which that section applies were begun;

(r) in the case of an increase in an award in pursuance of section 38(3) of the Employment Act 2002 (failure to give statement of employment particulars etc), the date the proceedings to which that section applies were begun;

(s) in the case of a complaint presented under regulation 15 of the Flexible Working (Procedural Requirements) Regulations 2002(**20**) (failure or threatened failure to allow an employee to be accompanied at a meeting, to allow the companion to address the meeting or confer with the employee, or to postpone the meeting), the date of the failure or threat;

(t) in the case of a complaint presented under paragraph 11(1) of Schedule 6 to the Employment Equality (Age) Regulations 2006(**21**) (failure of employer to comply with duty to notify employee of date on which he intends employee to retire or of right to make request not to retire on the intended date), the date of the failure; and

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(**15**) Section 112(4) was amended by the Employment Act 2002, Schedule 7, paragraphs 24 and 36. Section 112(5) was inserted by the Employment Act 2002, section 34(1) and (3) and repealed by the Employment Equality (Repeal of Retirement Age Provisions) Regulations 2011, S.I. 2011/1069, regulation 3(1) and (6) as from 6 April 2011 (for savings in relation to the continued operation of the provisions repealed, see regulations 5-7). Section 97(1) was amended by the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002, S.I. 2002/2034, regulation 11, Schedule 2, paragraph 3(1) and (8).

(**16**) Section 117(1) was amended by the Employment Rights (Dispute Resolution) Act 1998, section 1(2)(a). Section 117(3) was amended by the Employment Relations Act 1999, section 33(2) and the Employment Act 2002, Schedule 7, paragraphs 24 and 37.

(**17**) Section 145(2) was amended by the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002, S.I. 2002/2034, regulation 11, Schedule 2, paragraph 3(1) and (14). Section 145(7) was repealed by the Employment Relations Act 1999, sections 9 and 44, Schedule 4, Part III paragraphs 5, 26 and Schedule 9, paragraph 2.

(**18**) Section 11(1) was amended by the Employment Relations Act 2004, section 37(2).

(**19**) 2002 c.22.

(**20**) S.I. 2002/3207; regulation 15 was amended by the Employment Tribunals Act 1996 (Application of Conciliation Provisions) Order 2014, S.I. 2014/431, Schedule, paragraphs 26 and 27.

(**21**) S.I. 2006/1031; Schedule 6 was revoked by the Employment Equality (Repeal of Retirement Age Provisions) Regulations 2011, S.I. 2011/1069, regulation 4 as from 6 April 2011. Regulations 5, 6 and 8 provide for transitional provisions in connection with the continued operation of Schedule 6.