Draft Order laid before Parliament under section 14(5) of the Work and Families Act 2006, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2009 No. 0000

EMPLOYMENT

The Work and Families (Increase of Maximum Amount) Order 2009

Made - - - -	*2009*
Coming into force - -	*1st October 2009*

In accordance with section 14(5) of the Work and Families Act 2006(**1**), a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

The Secretary of State makes the following Order in exercise of the powers conferred by section 14 of the Work and Families Act 2006:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Work and Families (Increase of Maximum Amount) Order 2009 and shall come into force on 1st October 2009.

(2) In this Order—

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

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

Increase in the maximum amount of a week's pay

2.—(1) For each of the sums specified(**4**) in section 186(1)(a) and (b) of the 1996 Act (employee's rights on insolvency of employer: maximum amount payable) and section 227(1) of the 1996 Act(**5**) (maximum amount of a week's pay for the purposes of certain provisions of the 1996 Act relating to awards of compensation and redundancy payments) substitute £380.

(**1**) 2006 c.18.
(**2**) 1992 c.52. Relevant amendments to this Act are noted in the footnotes below.
(**3**) 1996 c.18. Relevant amendments to this Act are noted in the footnotes below.
(**4**) The sums specified were substituted from 1st February 2009 by S.I. 2008/3055.
(**5**) Section 227(1) was amended by the Employment Act 2002 (c.22), section 53 and Schedule 7, paragraphs 24 and 47(1), (2) and (3).

(2) The substitution made by article 2(1) does not have effect in relation to a case where the appropriate date falls before 1 October 2009.

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

(a) in the case of an application made under section 67(1) of the 1992 Act (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 an application made under section 176(2) of the 1992 Act(**7**) (compensation for exclusion or expulsion from a trade union), the date of the exclusion or expulsion from the union;

(d) in the case of an award under paragraph 159(1) of Schedule A1 to the 1992 Act(**8**) where a worker has suffered a detriment that is the termination of the worker's contract, the date of the termination;

(e) in the case of an award of compensation under section 49(1)(b) of the 1996 Act by virtue of section 24(2) of the National Minimum Wage Act 1998(**9**), where a worker has suffered a detriment that is the termination of the worker's contract, the date of the termination;

(f) in the case of an award under section 80I(1)(b) of the 1996 Act(**10**) (award of compensation 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;

(g) in the case of an award under section 112(4) or (5) of the 1996 Act(**11**) (award in relation to unfair dismissal), the effective date of termination as defined by section 97 of that Act;

(h) in the case of an award under section 117(3) of the 1996 Act(**12**), where an employer has failed to reinstate or re-engage the complainant in accordance with an order under section 113 of that Act, 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;

(i) 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(**13**);

(j) in the case of entitlement to a redundancy payment by virtue of section 135(1)(b) of the 1996 Act (lay-off or short-time), the relevant date as defined by section 153 of that Act;

(k) 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;

(l) in the case of a complaint presented under section 11(1) of the Employment Relations Act 1999(**14**) (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;

(**6**) Section 70C was inserted by the Employment Relations Act 1999 (c. 26), section 5.
(**7**) Section 176 was substituted by section 14 of the Trade Union Reform and Employment Rights Act 1993 (c.19).
(**8**) Schedule A1 was inserted by the Employment Relations Act 1999, section 1(1) and (3) and Schedule 1.
(**9**) 1998 c.39.
(**10**) Section 80I was inserted by the Employment Act 2002, section 47(1) and (2).
(**11**) Section 112(4) was amended by the Employment Act 2002, section 53, Schedule 7, paragraphs 24 and 36. Section 112(5) was inserted by the Employment Act 2002, section 34(1) and (3).
(**12**) Section 117(3) was amended by the Employment Relations Act 1999, section 33(2).
(**13**) Section 145(7) was repealed by the Employment Relations Act 1999, section 9 and 44; Schedule 4, Part III, paragraphs 5 and 26; and Schedule 9(2).
(**14**) Section 11(1) was amended by the Employment Relations Act 2004, section 37(2).