



# Employment Relations Act 1999

## 1999 CHAPTER 26

### *Miscellaneous*

#### **30 Partnerships at work.**

- (1) The Secretary of State may spend money or provide money to other persons for the purpose of encouraging and helping employers (or their representatives) and employees (or their representatives) to improve the way they work together.
- (2) Money may be provided in such way as the Secretary of State thinks fit (whether as grants or otherwise) and on such terms as he thinks fit (whether as to repayment or otherwise).

#### **31 Employment agencies.**

Schedule 7 shall have effect.

#### **32 Employment rights: employment outside Great Britain.**

- (1) In section 285(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (employment outside Great Britain) for “Chapter II (procedure for handling redundancies)” there shall be substituted “ sections 193 and 194 (duty to notify Secretary of State of certain redundancies) ”.
- (2) After section 287(3) of that Act (offshore employment) there shall be inserted—

“(3A) An Order in Council under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.”.
- (3) Section 196 of the <sup>M1</sup>Employment Rights Act 1996 (employment outside Great Britain) shall cease to have effect; and in section 5(1) for “sections 196 and” there shall be substituted “ section ”.
- (4) After section 199(6) of that Act (mariners) there shall be inserted—

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- “(7) The provisions mentioned in subsection (8) apply to employment on board a ship registered in the register maintained under section 8 of the Merchant Shipping Act 1995 if and only if—
- (a) the ship’s entry in the register specifies a port in Great Britain as the port to which the vessel is to be treated as belonging,
  - (b) under his contract of employment the person employed does not work wholly outside Great Britain, and
  - (c) the person employed is ordinarily resident in Great Britain.
- (8) The provisions are—
- (a) sections 8 to 10,
  - (b) Parts II, III and V,
  - (c) Part VI, apart from sections 58 to 60,
  - (d) Parts VII and VIII,
  - (e) sections 92 and 93, and
  - (f) Part X.”

**Marginal Citations**

M1 1996 c. 18.

**33 Unfair dismissal: special and additional awards.**

F1(1) .....

(2) In section 117(3)(b) of the Employment Rights Act 1996 (amount of additional award) for “the appropriate amount” there shall be substituted “ an amount not less than twenty-six nor more than fifty-two weeks’ pay ”; F2...

(3) In section 14 of the M2Employment Rights (Dispute Resolution) Act 1998—

F3(a) .....

(b) in subsection (2) for “that Act” substitute “ the Employment Rights Act 1996 ”.

**Textual Amendments**

F1 S. 33(1) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 8

F2 Words in s. 33(2) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 8

F3 S. 33(3)(a) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 8

**Marginal Citations**

M2 1998 c. 8.

**34 Indexation of amounts, &c.**

(1) This section applies to the sums specified in the following provisions—

- (a) section 31(1) of the Employment Rights Act 1996 (guarantee payments: limits);
- (b) section 120(1) of that Act (unfair dismissal: minimum amount of basic award);

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- (c) section 124(1) of that Act (unfair dismissal: limit of compensatory award);
  - (d) section 186(1)(a) and (b) of that Act (employee's rights on insolvency of employer: maximum amount payable);
  - (e) section 227(1) of that Act (maximum amount of a week's pay for purposes of certain calculations);
  - [<sup>F4</sup>(ea) section 145E(3) of the Trade Union and Labour Relations (Consolidation) Act 1992 (unlawful inducements: amount of award);
  - (f) section 156(1) of that Act (unfair dismissal: minimum basic award);]
  - (g) section [<sup>F5</sup>176(6A)] of that Act (right to membership of trade union: remedies).
- (2) If the retail prices index for September of a year is higher or lower than the index for the previous September, the Secretary of State shall as soon as practicable make an order in relation to each sum mentioned in subsection (1)—
- (a) increasing each sum, if the new index is higher, or
  - (b) decreasing each sum, if the new index is lower,
- by the same percentage as the amount of the increase or decrease of the index.
- (3) In making the calculation required by subsection (2) the Secretary of State shall—
- (a) in the case of the sum mentioned in subsection (1)(a), round the result up to the nearest 10 pence,
  - (b) in the case of the sums mentioned in subsection (1)(b), (c), [<sup>F6</sup>(ea),] (f) and (g), round the result up to the nearest £100, and
  - (c) in the case of the sums mentioned in subsection (1)(d) and (e), round the result up to the nearest £10.
- (4) For the sum specified in section 124(1) of the <sup>M3</sup>Employment Rights Act 1996 (unfair dismissal: limit of compensatory award) there shall be substituted the sum of £50,000 (subject to subsection (2) above).
- [<sup>F7</sup>(4A) A reference in this section to a sum specified in section 124(1) of the Employment Rights Act 1996 does not include anything specified by virtue of section 15(2)(b)(ii) of the Enterprise and Regulatory Reform Act 2013 (specified number multiplied by a week's pay of the individual concerned).
- (4B) As regards a sum specified in section 124(1) of the Employment Rights Act 1996, the duty under subsection (2) to make an order with effect from 6 April in a particular year does not arise where an order varying such a sum with effect from a day within 12 months before that date has been made under section 15(1) of the Enterprise and Regulatory Reform Act 2013.]
- (5) In this section “the retail prices index” means—
- (a) the general index of retail prices (for all items) published by the [<sup>F8</sup>Statistics Board], or
  - (b) where that index is not published for a month, any substituted index or figures published by [<sup>F9</sup>the Board] .
- (6) An order under this section—
- (a) shall be made by statutory instrument,
  - (b) may include transitional provision, and
  - (c) shall be laid before Parliament after being made.

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### Textual Amendments

- F4** S. 34(1)(ea)(f) substituted for s. 34(1)(f) (1.10.2004) by [Employment Relations Act 2004 \(c. 24\)](#), s. 59(3), [Sch. 1 para. 42\(2\)](#); [S.I. 2004/2566](#), art. 3(b) (with art. 6)
- F5** Word in s. 34(1)(g) substituted (31.12.2004) by [Employment Relations Act 2004 \(c. 24\)](#), s. 59(3), [Sch. 1 para. 42\(3\)](#); [S.I. 2004/3342](#), art. 4(b)
- F6** Word in s. 34(3)(b) inserted (1.10.2004) by [Employment Relations Act 2004 \(c. 24\)](#), s. 59(3), [Sch. 1 para. 42\(4\)](#); [S.I. 2004/2566](#), art. 3(b) (with art. 6)
- F7** S. 34(4A)(4B) inserted (25.4.2013 for specified purposes, 25.6.2013 in so far as not already in force) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), [ss. 15\(10\)](#), 103(1)(i)(2)
- F8** Words in s. 34(5)(a) substituted (1.4.2008) by [Statistics and Registration Service Act 2007 \(c. 18\)](#), s. 74(1), [Sch. 3 para. 11\(a\)](#); [S.I. 2008/839](#), art. 2
- F9** Words in s. 34(5)(b) substituted (1.4.2008) by [Statistics and Registration Service Act 2007 \(c. 18\)](#), s. 74(1), [Sch. 3 para. 11\(b\)](#); [S.I. 2008/839](#), art. 2

### Modifications etc. (not altering text)

- C1** S. 34 modified (1.10.2009) by [The Work and Families \(Increase of Maximum Amount\) Order 2009 \(S.I. 2009/1903\)](#), arts. 1(1), 3

### Commencement Information

- I1** S. 34 wholly in force; s. 34 not in force at Royal Assent see s. 45; s. 34(4) in force (25.10.1999) by [S.I. 1999/2830](#), [art. 2\(1\)](#) (with art. 3); s. 34(1)-(3)(5)(6) in force (17.12.1999) by [S.I. 1999/3374](#), [art. 2\(a\)](#) (with art. 3)

### Marginal Citations

- M3** 1996 c. 18.

## 35 Guarantee payments.

For section 31(7) of the Employment Rights Act 1996 (guarantee payments: limits) there shall be substituted—

- “(7) The Secretary of State may by order vary—
- (a) the length of the period specified in subsection (2);
  - (b) a limit specified in subsection (3) or (4).”

## 36 Sections 33 to 35: consequential.

- (1) The following provisions (which confer power to increase sums) shall cease to have effect—
  - (a) sections 120(2), 124(2), 186(2) and 227(2) to (4) of the Employment Rights Act 1996;
  - (b) sections 159 and 176(7) and (8) of the <sup>M4</sup>Trade Union and Labour Relations (Consolidation) Act 1992.
- (2) Section 208 of the Employment Rights Act 1996 (review of limits) shall cease to have effect.
- (3) An increase effected, before section 34 comes into force, by virtue of a provision repealed by this section shall continue to have effect notwithstanding this section (but subject to section 34(2) and (4)).

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**Commencement Information**

**I2** S. 36 wholly in force; s. 36 not in force at Royal Assent see s. 45; s. 36(1) in force for specified purposes at 25.10.1999 by S.I. 1999/2830, **art. 2(1)** (with **art. 3**); s. 36(2)(3) and s. 36(1) to the extent not already in force at 17.12.1999 by S.I. 1999/3374, **art. 2** (with **art. 3**)

**Marginal Citations**

**M4** 1992 c. 52.

**37 Compensatory award etc: removal of limit in certain cases.**

(1) After section 124(1) of the Employment Rights Act 1996 (limit of compensatory award etc) there shall be inserted—

“(1A) Subsection (1) shall not apply to compensation awarded, or a compensatory award made, to a person in a case where he is regarded as unfairly dismissed by virtue of section 100, 103A, 105(3) or 105(6A).”

<sup>F10</sup>(2) .....

**Textual Amendments**

**F10** S. 37(2) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 8**

**38 Transfer of undertakings.**

(1) This section applies where regulations under section 2(2) of the <sup>M5</sup>European Communities Act 1972 (general implementation of Treaties) make provision for the purpose of implementing, or for a purpose concerning, a Community obligation of the United Kingdom which relates to the treatment of employees on the transfer of an undertaking or business or part of an undertaking or business.

(2) The Secretary of State may by regulations make the same or similar provision in relation to the treatment of employees in circumstances other than those to which the Community obligation applies (including circumstances in which there is no transfer, or no transfer to which the Community obligation applies).

(3) Regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**Marginal Citations**

**M5** 1972 c. 68.

**39 Minimum wage: information.**

(1) Information obtained by a revenue official in the course of carrying out a function of the Commissioners of Inland Revenue may be—

(a) supplied by the Commissioners of Inland Revenue to the Secretary of State for any purpose relating to the <sup>M6</sup>National Minimum Wage Act 1998;

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- (b) supplied by the Secretary of State with the authority of the Commissioners of Inland Revenue to any person acting under section 13(1)(b) of that Act;
- (c) supplied by the Secretary of State with the authority of the Commissioners of Inland Revenue to an officer acting for the purposes of any of the agricultural wages legislation.

(2) In this section—

“revenue official” means an officer of the Commissioners of Inland Revenue appointed under section 4 of the <sup>M7</sup>Inland Revenue Regulation Act 1890 (appointment of collectors, officers and other persons), and

“the agricultural wages legislation” has the same meaning as in section 16 of the National Minimum Wage Act 1998 (agricultural wages officers).

**Modifications etc. (not altering text)**

**C2** S. 39 restricted (7.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), Sch. 2 para. 16 (with s. 22); S.I. 2005/1126, art. 2(1)

**Marginal Citations**

**M6** 1998 c. 39.

**M7** 1890 c. 21.

<sup>F11</sup>**40 Dismissal of school staff.**

**Textual Amendments**

**F11** S. 40 repealed (1.9.2003 for E., 1.4.2006 for W.) by Education Act 2002 (c. 32), s. 216(4), Sch. 22 Pt. 3 (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2006/879, art. 4, Sch.

**41 National security.**

Schedule 8 shall have effect.

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