



# Enterprise and Regulatory Reform Act 2013

## 2013 CHAPTER 24

### PART 2

#### EMPLOYMENT

##### *Miscellaneous*

#### **21 Tribunal procedure: miscellaneous**

- (1) The Employment Tribunals Act 1996 is amended as follows.
- (2) In section 9 (pre-hearing reviews and preliminary matters), in subsection (2) (deposit orders), in paragraph (a)—
  - (a) omit “, if he wishes to continue to participate in those proceedings,”;
  - (b) after “an amount not exceeding £1,000” insert “as a condition of—
    - (i) continuing to participate in those proceedings, or
    - (ii) pursuing any specified allegations or arguments”.
- (3) In section 13A (payments in respect of preparation time)—
  - (a) in subsection (3), after “shall also” insert “, subject to subsection (4),”;
  - (b) after subsection (3) insert—
    - “(4) Subsection (3) does not require the regulations to include provision to prevent an employment tribunal from making—
      - (a) an order of the kind mentioned in subsection (1), and
      - (b) an award of the kind mentioned in section 13(1)(a) that is limited to witnesses’ expenses.”
- (4) In section 42 (interpretation), in subsection (1), after the definition of “employment tribunal procedure regulations” insert—

““representative” shall be construed in accordance with section 6(1) (in Part 1) or section 29(1) (in Part 2),”.

## **22 Indexation of amounts: timing and rounding**

- (1) Section 34 of the Employment Relations Act 1999 (indexation of amounts, etc) is amended as follows.
- (2) In subsection (2)—
  - (a) omit “as soon as practicable”;
  - (b) at the end insert “, with effect from the following 6th April”.
- (3) In subsection (3), for the words after “the Secretary of State shall” substitute “round the result to the nearest whole pound, taking 50p as nearest to the next whole pound above”.

## **23 Renaming of “compromise agreements”, “compromise contracts” and “compromises”**

- (1) In the following provisions, for “compromise” (in each place where it occurs) substitute “settlement”—
  - (a) section 288(2A) and (2B) of the Trade Union and Labour Relations (Consolidation) Act 1992 (restriction on contracting out);
  - (b) section 203(2)(f) and (3) of the Employment Rights Act 1996 (restrictions on contracting out);
  - (c) section 58(4) and (5) of the Pensions Act 2008 (restrictions on agreements to limit operation of Part 1).
- (2) In section 19A of the Employment Tribunals Act 1996 (conciliation: recovery of sums payable under compromises)—
  - (a) in subsections (1), (3), (4), (5) and (6), for “compromise” (in each place where it occurs) substitute “settlement”;
  - (b) in subsection (12)—
    - (i) for “compromise” (in the first two places it occurs) substitute “settlement”;
    - (ii) omit “, or compromise,”;
  - (c) in the heading, for “compromises” substitute “settlements”.
- (3) In section 49 of the National Minimum Wage Act 1998 (restrictions on contracting out)—
  - (a) in subsections (3) and (4), for “compromise” (in each place where it occurs) substitute “settlement”;
  - (b) after subsection (8) insert—
 

“(8A) In the application of this section in relation to Northern Ireland, subsections (3) and (4) above shall have effect as if for “settlement agreements” (in each place) there were substituted “compromise agreements.”
- (4) In section 28 of the Equality Act 2006 (legal assistance), in subsection (11), for “compromise contract or agreement” substitute “settlement agreement”.

- (5) In section 144 of the Equality Act 2010 (contracting out), in subsection (4)(b), for “compromise contract” substitute “settlement agreement”.
- (6) In section 147 of that Act (meaning of “qualifying compromise contract”), in subsections (2) and (5) and in the heading, for “compromise contract” substitute “settlement agreement”.