
DRAFT STATUTORY INSTRUMENTS

1998 No.

The Employment Rights (Increase of Limits) Order 1998

Transitional provisions

4.—(1) The increases provided for in article 3 have effect in any case where the appropriate date falls on or after 1st April 1998.

(2) In a case where the appropriate date falls before 1st April 1998, the limits having effect in relation to the case immediately before 1st April 1998 continue to apply.

(3) In this article, “the appropriate date” means—

- (a) in the case of an application made under section 67 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 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 by section 139 of that Act;
- (c) in the case of an application made under section 176(2) of the 1992 Act⁽¹⁾ (compensation for exclusion or expulsion from a trade union), the date of the exclusion or expulsion from the union;
- (d) in the case of a guarantee payment to which an employee is entitled under section 28(1) of the 1996 Act, the day in respect of which the payment is due;
- (e) in the case of a complaint presented under section 111 of the 1996 Act (complaints of unfair dismissal), for the purpose of calculating the basic award, compensatory award or special award under section 118 of that Act and any special award under section 157 of the 1992 Act, the effective date of termination as defined by section 97 of the 1996 Act;
- (f) in the case of an award under section 117(1) or (3) of the 1996 Act, 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 of reinstatement (specified under section 114(2)(c) of the 1996 Act) or, as the case may be, re-engagement (specified under section 115(2)(f) of that Act) should have been complied with;
- (g) 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;
- (h) 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; and
- (i) 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.

(1) Section 176 was substituted by section 14 of the Trade Union Reform and Employment Rights Act 1993 (c. 19).

Draft Legislation: This is a draft item of legislation. This draft has since been made as a
UK Statutory Instrument: The Employment Rights (Increase of Limits) Order 1998 No. 924
