
DRAFT STATUTORY INSTRUMENTS

2010 No.

**The Employment Relations Act
1999 (Blacklists) Regulations 2010**

Action for breach of statutory duty

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13.—(1) A contravention of regulation 3 is actionable as a breach of statutory duty.

(2) If there are facts from which the court could conclude, in the absence of any other explanation, that the defendant has contravened, or is likely to contravene, regulation 3, the court must find that such a contravention occurred, or is likely to occur, unless the defendant shows that it did not, or is not likely to, occur.

(3) In proceedings brought by virtue of this regulation, the court may (without prejudice to any of its other powers)—

- (a) make such order as it considers appropriate for the purpose of restraining or preventing the defendant from contravening regulation 3; and
- (b) award damages, which may include compensation for injured feelings.

(4) A person may complain to an employment tribunal under regulation 5, 6 or 9, or under Part 10 of the Employment Rights Act 1996 (unfair dismissal) as it applies by virtue of these Regulations and bring an action for breach of statutory duty in respect of the same conduct for the purpose of restraining or preventing the defendant from contravening regulation 3.

(5) Except as mentioned in paragraph (4), a person may not bring an action for breach of statutory duty and complain to an employment tribunal under regulation 5, 6 or 9, or under Part 10 of the Employment Rights Act 1996 (unfair dismissal) as it applies by virtue of these Regulations, in respect of the same conduct.