

---

DRAFT STATUTORY INSTRUMENTS

---

**2010 No.**

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

*Refusal of employment or employment agency services*

**Time limit for proceedings under regulation 5 or 6**

7.—(1) Subject to paragraph (2), an employment tribunal shall not consider a complaint under regulation 5 or 6 unless it is presented to the tribunal before the end of the period of three months beginning with the date of the conduct to which the complaint relates.

(2) An employment tribunal may consider a complaint under regulation 5 or 6 that is otherwise out of time if, in all the circumstances of the case, it considers that it is just and equitable to do so.

(3) The date of the conduct to which a complaint under regulation 5 relates shall be taken to be—

(a) in the case of an actual refusal, the date of the refusal;

(b) in the case of a deliberate omission—

(i) to entertain and process P's application or enquiry, or

(ii) to offer employment,

the end of the period within which it was reasonable to expect R to act;

(c) in the case of conduct causing P to withdraw or cease to pursue P's application or enquiry, the date of that conduct;

(d) in a case where R made but withdrew an offer, the date R withdrew the offer;

(e) in any other case where R made an offer which was not accepted, the date on which R made the offer.

(4) The date of the conduct to which a complaint under regulation 6 relates shall be taken to be—

(a) in the case of an actual refusal, the date of the refusal;

(b) in the case of a deliberate omission to make a service available, the end of the period within which it was reasonable to expect E to act;

(c) in the case of conduct causing P not make use of a service or to cease to make use of it, the date of that conduct;

(d) in the case of failure to provide the same service, on the same terms, as is provided to others, the date or last date on which the service in fact was provided.