



Employment Protection (Consolidation) Act 1978

1978 CHAPTER 44

PART VIII

RESOLUTION OF DISPUTES RELATING TO EMPLOYMENT

Industrial tribunals

128 Industrial tribunals.

- (1) The Secretary of State may by regulations make provision for the establishment of tribunals, to be known as industrial tribunals, to exercise the jurisdiction conferred on them by or under this Act or any other Act, whether passed before or after this Act.
- (2) Regulations made wholly or partly under section 12 of the ^{M1}Industrial Training Act 1964 and in force immediately before the date on which this section comes into force shall, so far as so made, continue to have effect as if they had been made under subsection (1), and tribunals established in accordance with such regulations shall continue to be known as industrial tribunals.
- (3) Schedule 9, which makes provision, among other things, with respect to proceedings before industrial tribunals, shall have effect.
- (4) Complaints, references [^{F1}applications] and appeals to industrial tribunals shall be made in accordance with regulations made under paragraph 1 of Schedule 9.
- [^{F2}(5) Regulations made under Schedule 9 may provide that in such circumstances as the regulations may specify any act required or authorised by the regulations to be done by an industrial tribunal may be done by the person specified in subsection (2A)(a) alone.]

Status: Point in time view as at 30/08/1993.

Changes to legislation: There are currently no known outstanding effects for the Employment Protection (Consolidation) Act 1978, Cross Heading: Industrial tribunals. (See end of Document for details)

Textual Amendments

- F1** Word inserted by [Employment Act 1980 \(c. 42, SIF 43:5\)](#), [Sch. 1 para. 16](#)
F2 [S. 128\(5\)](#) inserted (30.8.1993) by [1993 c. 19, s. 36\(3\)](#); [S.I. 1993/1908, art. 2\(1\)](#), [Sch.1.](#)

Marginal Citations

- M1** [1964 c. 16.](#)

129 Remedy for infringement of certain rights under this Act.

The remedy of an employee for infringement of any of the rights conferred on him by sections 8 and 53 and Parts II, III, V and VII shall, if provision is made for a complaint or for the reference of a question to an industrial tribunal, be by way of such complaint or reference and not otherwise.

Modifications etc. (not altering text)

- C1** [S. 129](#) extended by [S.I. 1981/1794, regs. 11\(9\), 13](#)
[S. 129](#) extended (E.W.) (26.8.1994) by [1994 c. 20, s. 4, Sch. 4 para. 22](#); [S.I. 1994/1841, art. 2](#)
[S. 129](#) extended (E.W.) (3.1.1995) by [1994 c. 40, ss. 20, 82\(2\), Sch. 8 para. 22](#)
[S. 129](#) extended (*prosp.*) by [1995 c. 26, s. 46\(4\)\(a\)](#), [180\(1\)](#) (with [s. 121\(5\)](#))

130 Jurisdiction of referees to be exercised by tribunals.

- (1) There shall be referred to and determined by an industrial tribunal any question which by any statutory provision is directed (in whatsoever terms) to be determined by a referee or board of referees constituted under any of the statutory provisions specified in Schedule 10 or which is so directed to be determined in the absence of agreement to the contrary.
- (2) The transfer of any jurisdiction by this section shall not affect the principles on which any question is to be determined or the persons on whom the determination is binding, or any provision which requires particular matters to be expressly dealt with or embodied in the determination, or which relates to evidence.

131 Power to confer jurisdiction on industrial tribunals in respect of damages, etc., for breach of contract of employment.

- [^{F3}(1) The appropriate Minister may by order provide that proceedings in respect of—
- (a) any claim to which this section applies, or
 - (b) any such claim of a description specified in the order,
- may, subject to such exceptions (if any) as may be specified in the order, be brought before an industrial tribunal.]
- (2) Subject to subsection (3), this section applies to any of the following claims, that is to say—
 - (a) a claim for damages for breach of a contract of employment or any other contract connected with employment;
 - (b) a claim for a sum due under such a contract;

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- (c) a claim for the recovery of a sum in pursuance of any enactment relating to the terms or performance of such a contract;
being in each case a claim such that a court in England and Wales or Scotland, as the case may be, would under the law for the time being in force have jurisdiction to hear and determine an action in respect of the claim.
- [^{F4}(3) This section does not apply to a claim for damages, or for a sum due, in respect of personal injuries.]
- (4) Where on proceedings under this section an industrial tribunal finds that the whole or part of a sum claimed in the proceedings is due, the tribunal shall order the respondent to the proceedings to pay the amount which it finds due.
- [^{F5}(4A) An order under this section may provide that an industrial tribunal shall not in proceedings in respect of a claim, or a number of claims relating to the same contract, order the payment of an amount exceeding such sum as may be specified in the order as the maximum amount which a tribunal may order to be paid in relation to a claim or in relation to a contract.]
- (5) Without prejudice to section 154(3), an order under this section may include provisions—
- as to the manner in which and time within which proceedings are to be brought by virtue of this section; and
 - modifying any other enactment.
- [^{F5}(5A) An order under this section may make different provision in relation to proceedings in respect of different descriptions of claims.]
- (6) Any jurisdiction conferred on an industrial tribunal by virtue of this section in respect of any claim shall be exercisable concurrently with any court in England and Wales or in Scotland, as the case may be, which has jurisdiction to hear and determine an action in respect of the claim.
- (7) In this section—
- “appropriate Minister”, as respects a claim in respect of which an action could be heard and determined in England and Wales, means the Lord Chancellor and, as respects a claim in respect of which an action could be heard and determined by a court in Scotland, means the [^{F6}Lord Advocate];
- “personal injuries” includes any disease and any impairment of a person’s physical or mental condition;
- and any reference to breach of a contract includes a reference to breach of—
- a term implied in a contract by or under any enactment or otherwise;
 - a term of a contract as modified by or under any enactment or otherwise; and
 - a term which, although not contained in a contract, is incorporated in the contract by another term of the contract.
- (8) No order shall be made under this section unless a draft of the order has been laid before Parliament and approved by resolution of each House of Parliament.

Textual Amendments

F3 S. 131(1) substituted (30.8.1993) by 1993 c. 19, s. 38(a); S.I. 1993/1908, art. 2(1), Sch. 1

F4 S. 131(3) substituted (30.8.1993) by 1993 c. 19, s. 38(b); S.I. 1993/1908, art. 2(1), Sch. 1

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| <p>F5 S. 131(4A)(5A) inserted (30.8.1993) by 1993 c. 19, s. 38(c)(d); S.I. 1993/1908, art. 2(1), Sch.1</p> <p>F6 Words in definition of 'appropriate minister' in s. 131(7) substituted (30.8.1993) by 1993 c. 19, s. 38(e); S.I. 1993/1908, art. 2(1), Sch. 1</p> |
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