



# Wages Act 1986

## 1986 CHAPTER 48

### PART I

#### PROTECTION OF WORKERS IN RELATION TO THE PAYMENT OF WAGES

#### **6 Supplementary provisions relating to complaints.**

- (1) The remedy of a worker in respect of any contravention of section 1(1) or (2) or section 2(1) or 3(4) shall be by way of a complaint under section 5 and not otherwise.
- (2) Section 5 shall not affect the jurisdiction of an industrial tribunal to entertain a reference under section 11 of the 1978 Act in relation to any deduction from the wages of a worker, but the aggregate of any amounts ordered by an industrial tribunal to be paid under section 11(8)(b) of that Act and under subsection (4) of section 5 of this Act (whether on the same or different occasions) in respect of a particular deduction shall not exceed the amount of the deduction.
- (3) Any provision in an agreement shall be void in so far as it purports to exclude or limit the operation of any provision of this Part, or to preclude any person from presenting a complaint under section 5; but this subsection shall not apply to
  - [<sup>F1</sup>(a)] an agreement to refrain from presenting or continuing with a complaint where a conciliation officer has taken action in accordance with section 133(2) or (3) of the 1978 Act [<sup>F1</sup>; or
  - (b) an agreement to refrain from presenting or continuing with a complaint if the conditions regulating compromise agreements under this Part of this Act are satisfied in relation to the agreement]
- [<sup>F2</sup>(4) The conditions regulating compromise agreements under this Part of this Act are that—
  - (a) the agreement must be in writing;
  - (b) the agreement must relate to the particular complaint;
  - (c) the worker must have received independent legal advice from a qualified lawyer as to the terms and effect of the proposed agreement and in particular its effect on his ability to pursue his complaint before an industrial tribunal;

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*Status: Point in time view as at 30/08/1993. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Wages Act 1986, Section 6. (See end of Document for details)*

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- (d) there must be in force, when the adviser gives the advice, a policy of insurance covering the risk of a claim by the worker in respect of loss arising in consequence of the advice;
  - (e) the agreement must identify the adviser; and
  - (f) the agreement must state that the conditions regulating compromise agreements under this Part of this Act are satisfied.
- (5) In subsection (4)—
- “independent”, in relation to legal advice to the worker, means that it is given by a lawyer who is not acting in the matter for the employer or for a person who is connected with the employer; and
- “qualified lawyer” means—
- (a) as respects proceedings in England and Wales—
    - (i) a barrister, whether in practice as such or employed to give legal advice, or
    - (ii) a solicitor of the Supreme Court who holds a practising certificate;
  - (b) as respects proceedings in Scotland—
    - (i) an advocate, whether in practice as such or employed to give legal advice, or
    - (ii) a solicitor who holds a practising certificate.
- (6) For the purposes of subsection (5) any two persons are to be treated as “connected” if one is a company of which the other (directly or indirectly) has control, or if both are companies of which a third person (directly or indirectly) has control.]

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**Textual Amendments**

- F1** Words in *S. 6(3)(a)* and *s. 6(3)(b)* inserted (30.8.1993) by *1993 c. 19, s.39(2)*, **Sch. 6 para. 3(a)**; *S.I. 1993/1908, art. 2(1)*, **Sch. 1**.
- F2** *S. 6(4)-(6)* inserted (30.8.1993) by *1993 c. 19, s. 39(2)*, **Sch. 6 para. 3(b)**; *S.I. 1993/1908, art. 2(1)*, **Sch.1**.

**Status:**

Point in time view as at 30/08/1993. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Wages Act 1986, Section 6.