



Trade Union and Labour Relations (Consolidation) Act 1992

1992 CHAPTER 52

PART VII

MISCELLANEOUS AND GENERAL

Other supplementary provisions

292 Death of employee or employer.

- (1) This section has effect in relation to the following provisions so far as they confer rights on employees or make provision in connection therewith—
 - (a) ^{F1}
 - (b) sections 168 to 173 (time off for trade union duties and activities);
 - (c) sections 188 to 198 (procedure for handling redundancies).

^{F2}(1A) This section also has effect in relation to sections 145A to 151 so far as those sections confer rights on workers or make provision in connection therewith.]

- (2) Where the employee [^{F3}or worker] or employer dies, tribunal proceedings may be instituted or continued by a personal representative of the deceased employee [^{F3}or worker] or, as the case may be, defended by a personal representative of the deceased employer.
- (3) If there is no personal representative of a deceased employee [^{F3}or worker], tribunal proceedings or proceedings to enforce a tribunal award may be instituted or continued on behalf of his estate by such other person as the [^{F4}employment tribunal] may appoint, being either—
 - (a) a person authorised by the employee [^{F3}or worker] to act in connection with the proceedings before his death, or
 - (b) the widower, widow, [^{F5}surviving civil partner,] child, father, mother, brother or sister of the employee [^{F3}or worker].

Status: Point in time view as at 01/12/2023.

Changes to legislation: Trade Union and Labour Relations (Consolidation) Act 1992, Cross Heading: Other supplementary provisions is up to date with all changes known to be in force on or before 07 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

In such a case any award made by the [^{F4}employment tribunal] shall be in such terms and shall be enforceable in such manner as may be prescribed.

- (4) Any right arising under any of the provisions mentioned in subsection (1) [^{F6}or (1A)] which by virtue of this section accrues after the death of the employee [^{F3}or worker] in question shall devolve as if it had accrued before his death.
- (5) Any liability arising under any of those provisions which by virtue of this section accrues after the death of the employer in question shall be treated for all purposes as if it had accrued immediately before his death.

Textual Amendments

- F1** S. 292(1)(a) repealed (1.10.2004) by Employment Relations Act 2004, ss. 57(1)(2), 59(2)-(4), Sch. 1 para. 20(2), {Sch. 2}; S.I. 2004/2566, **art. 3(b)(c)** (with arts. 4-8)
- F2** S. 292(1A) inserted (1.10.2004) by Employment Relations Act 2004 (c. 24), ss. 57(1), 59(2)-(4), **Sch. 1 para. 20(3)**; S.I. 2004/2566, **art. 3(b)** (with arts. 4-8)
- F3** Words in s. 292(2)-(4) inserted (1.10.2004) by Employment Relations Act 2004 (c. 24), ss. 57(1), 59(2)-(4), **Sch. 1 para. 20(4)**; S.I. 2004/2566, **art. 3(b)** (with arts. 4-8)
- F4** Words in s. 292(3) substituted (1.8.1998) by 1998 c. 8, **s. 1(2)(a)** (with s. 16(2)); S.I. 1998/1658, **art. 2(1)**, **Sch. 1**
- F5** Words in s. 292(3)(b) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 261(1), 263(10)(b), Sch. 27 {para. 146}; S.I. 2005/3175, **art. 2(2)**
- F6** Words in s. 292(4) inserted (1.10.2004) by Employment Relations Act 2004 (c. 24), ss. 57(1), 59(2)-(4), **Sch. 1 para. 20(5)**; S.I. 2004/2566, **art. 3(b)** (with arts. 4-8)

[^{F7}292A Extension of time limits to facilitate conciliation before institution of proceedings

- (1) This section applies where this Act provides for it to apply for the purposes of a provision of this Act (a “relevant provision”).
- (2) In this section—
- (a) Day A is the day on which the complainant concerned complies with the requirement in subsection (1) of section 18A of the Employment Tribunals Act 1996 (requirement to contact ACAS before instituting proceedings) in relation to the matter in respect of which the proceedings are brought, and
- (b) Day B is the day on which the complainant concerned receives or, if earlier, is treated as receiving (by virtue of regulations made under subsection (11) of that section) the certificate issued under subsection (4) of that section.
- (3) In working out when a time limit set by a relevant provision expires the period beginning with the day after Day A and ending with Day B is not to be counted.
- (4) If a time limit set by a relevant provision would (if not extended by this subsection) expire during the period beginning with Day A and ending one month after Day B, the time limit expires instead at the end of that period.
- (5) Where an employment tribunal has power under this Act to extend a time limit set by a relevant provision, the power is exercisable in relation to the time limit as extended by this section.]

Status: Point in time view as at 01/12/2023.

Changes to legislation: Trade Union and Labour Relations (Consolidation) Act 1992, Cross Heading: Other supplementary provisions is up to date with all changes known to be in force on or before 07 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F7 S. 292A inserted (6.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 2 para. 13; S.I. 2014/253, art. 3(g)

293 Regulations.

- (1) The Secretary of State may by regulations prescribe anything authorised or required to be prescribed for the purposes of this Act.
- (2) The regulations may contain such incidental, supplementary or transitional provisions as appear to the Secretary of State to be necessary or expedient.
- (3) Regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

294 Reciprocal arrangements with Northern Ireland.

- (1) If provision is made by Northern Ireland legislation for purposes corresponding to the purposes of any provision of this Act re-enacting a provision of the ^{M1}Employment Protection Act 1975 or the ^{M2}Employment Protection (Consolidation) Act 1978, the Secretary of State may, with the consent of the Treasury, make reciprocal arrangements with the appropriate Northern Ireland authority for co-ordinating the relevant provisions of this Act with the corresponding Northern Ireland provisions so as to secure that they operate, to such extent as may be provided by the arrangements, as a single system.
- (2) The Secretary of State may make regulations for giving effect to any such arrangements.
- (3) The regulations may make different provision for different cases and may contain such supplementary, incidental and transitional provisions as appear to the Secretary of State to be necessary or expedient.
- (4) The regulations may provide that the relevant provisions of this Act shall have effect in relation to persons affected by the arrangements subject to such modifications and adaptations as may be specified in the regulations, including provisions—
 - (a) for securing that acts, omission and events having any effect for the purposes of the Northern Ireland legislation have a corresponding effect for the purposes of the relevant provisions of this Act (but not so as to confer a right to double payment in respect of the same act, omission or event, and
 - (b) for determining, in cases where rights accrue both under the relevant provisions of this Act and under the Northern Ireland legislation, which of this rights is available to the person concerned.
- (5) In this section the appropriate Northern Ireland authority means such authority as is specified in that behalf in the Northern Ireland legislation.
- (6) Regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Status: Point in time view as at 01/12/2023.

Changes to legislation: Trade Union and Labour Relations (Consolidation) Act 1992, Cross Heading: Other supplementary provisions is up to date with all changes known to be in force on or before 07 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Marginal Citations

M1 1975 c. 71.

M2 1978 c. 44.

Status:

Point in time view as at 01/12/2023.

Changes to legislation:

Trade Union and Labour Relations (Consolidation) Act 1992, Cross Heading: Other supplementary provisions is up to date with all changes known to be in force on or before 07 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.