



# Trade Union and Labour Relations (Consolidation) Act 1992

## 1992 CHAPTER 52

### PART III

#### RIGHTS IN RELATION TO UNION MEMBERSHIP AND ACTIVITIES

##### *Access to employment*

#### **139 Time limit for proceedings.**

- (1) An [<sup>F1</sup>employment tribunal] shall not consider a complaint under section 137 or 138 unless it is presented to the tribunal—
  - (a) before the end of the period of three months beginning with the date of the conduct to which the complaint relates, or
  - (b) where the tribunal is satisfied that it was not reasonably practicable for the complaint to be presented before the end of that period, within such further period as the tribunal considers reasonable.
- (2) The date of the conduct to which a complaint under section 137 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 the complainant's application or enquiry, or
    - (ii) to offer employment,the end of the period within which it was reasonable to expect the employer to act;
  - (c) in the case of conduct causing the complainant to withdraw or cease to pursue his application or enquiry, the date of that conduct;
  - (d) in a case where an offer was made but withdrawn, the date when it was withdrawn;

*Status: Point in time view as at 08/12/2021.*

**Changes to legislation:** Trade Union and Labour Relations (Consolidation) Act 1992, Section 139 is up to date with all changes known to be in force on or before 08 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)

- (e) in any other case where an offer was made but not accepted, the date on which it was made.
- (3) The date of the conduct to which a complaint under section 138 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 the employment agency to act;
  - (c) in the case of conduct causing the complainant not to avail himself of a service or to cease to avail himself 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 provided was provided.
- [<sup>F2</sup>(4) Section 292A (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of subsection (1)(a).]

#### Textual Amendments

- F1** Words in s. 139(1) 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
- F2** S. 139(4) inserted (6.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 2 para. 6; S.I. 2014/253, art. 3(g)

**Status:**

Point in time view as at 08/12/2021.

**Changes to legislation:**

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