



Trade Union and Labour Relations (Consolidation) Act 1992

1992 CHAPTER 52

PART III

RIGHTS IN RELATION TO UNION MEMBERSHIP AND ACTIVITIES

Dismissal

166 Consequences of failure to comply with order.

- (1) If on the application of an employee an industrial tribunal is satisfied that the employer has not complied with the terms of an order for the reinstatement or re-engagement of the employee under section 163(4) or [F¹(5)], the tribunal shall—
 - (a) make an order for the continuation of the employee's contract of employment, and
 - (b) order the employer to pay the employee such compensation as the tribunal considers just and equitable in all the circumstances having regard—
 - (i) to the infringement of the employee's right to be reinstated or re-engaged in pursuance of the order, and
 - (ii) to any loss suffered by the employee in consequence of the non-compliance.
- (2) Section 164 applies to an order under subsection (1)(a) as in relation to an order under section 163.
- (3) If on the application of an employee an industrial tribunal is satisfied that the employer has not complied with the terms of an order for the continuation of a contract of employment, the following provisions apply.
- (4) If the non-compliance consists of a failure to pay an amount by way of pay specified in the order, the tribunal shall determine the amount owed by the employer on the date of the determination.

Status: Point in time view as at 30/08/1993. This version of this provision has been superseded.

Changes to legislation: Trade Union and Labour Relations (Consolidation) Act 1992, Section 166 is up to date with all changes known to be in force on or before 30 June 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)

If on that date the tribunal also determines the employee's complaint that he has been unfairly dismissed, it shall specify that amount separately from any other sum awarded to the employee.

- (5) In any other case, the tribunal shall order the employer to pay the employee such compensation as the tribunal considers just and equitable in all the circumstances having regard to any loss suffered by the employee in consequence of the non-compliance.

Textual Amendments

F1 Words in s. 166(1) substituted (30.8.1993) by 1993 c. 19, s. 49(1), **Sch. 7 para.22**; 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Point in time view as at 30/08/1993.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:

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