



Employment Tribunals Act 1996

1996 CHAPTER 17

[^{F1}PART 2A

FINANCIAL PENALTIES FOR FAILURE TO PAY SUMS ORDERED TO BE PAID OR SETTLEMENT SUMS

[^{F1}37J Withdrawal of penalty notice

- (1) Where—
 - (a) a penalty notice has been given (and not already withdrawn or cancelled), and
 - (b) it appears to an enforcement officer that—
 - (i) the notice incorrectly omits any statement required by section 37F(3),
or
 - (ii) any statement so required is incorrect in any particular,the officer may withdraw it by giving notice of the withdrawal to the employer.
- (2) Where a penalty notice is withdrawn and no replacement penalty notice is given in accordance with section 37K—
 - (a) any sum paid by or recovered from the employer by way of financial penalty payable under the notice must be repaid to the employer with interest at the appropriate rate running from the date when the sum was paid or recovered;
 - (b) any appeal under section 37G(1) relating to the penalty notice must be dismissed.
- (3) In a case where subsection (2) applies, the notice of withdrawal must indicate the effect of that subsection (but a failure to do so does not make the withdrawal ineffective).
- (4) In subsection (2)(a), “the appropriate rate” means the rate that, on the date the sum was paid or recovered, was specified in section 17 of the Judgments Act 1838.]

Status: Point in time view as at 20/02/2019.

Changes to legislation: Employment Tribunals Act 1996, Section 37J is up to date with all changes known to be in force on or before 02 October 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

- F1** Pt. 2A inserted (6.4.2016) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), [ss. 150\(2\), 164\(1\)](#) (with [s. 150\(8\)](#)); [S.I. 2016/321](#), reg. 3(d)

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