



Employment Rights Act 1996

1996 CHAPTER 18

PART XII

INSOLVENCY OF EMPLOYERS

188 Complaints to [F1 employment tribunals].

- (1) A person who has applied for a payment under section 182 may present a complaint to an [F1 employment tribunal]—
 - (a) that the Secretary of State has failed to make any such payment, or
 - (b) that any such payment made by him is less than the amount which should have been paid.
- (2) An [F1 employment tribunal] shall not consider a complaint under subsection (1) unless it is presented—
 - (a) before the end of the period of three months beginning with the date on which the decision of the Secretary of State on the application was communicated to the applicant, or
 - (b) within such further period as the tribunal considers reasonable in a case where it is not reasonably practicable for the complaint to be presented before the end of that period of three months.
- (3) Where an [F1 employment tribunal] finds that the Secretary of State ought to make a payment under section 182, the tribunal shall—
 - (a) make a declaration to that effect, and
 - (b) declare the amount of any such payment which it finds the Secretary of State ought to make.

Textual Amendments

- F1** Words in s. 188(1)-(3) and sidenote to s. 1888 substituted (1.8.1998) by 1998 c. 8, s. 1(2)(a)(b) (with s. 16(2)); S.I. 1998/1658, art. 2(1), Sch. 1

Status:

Point in time view as at 31/07/2023.

Changes to legislation:

Employment Rights Act 1996, Section 188 is up to date with all changes known to be in force on or before 25 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.