



# Employment Rights Act 1996

## 1996 CHAPTER 18

### [<sup>F1</sup>PART 6A

#### STUDY AND TRAINING

#### [<sup>F1</sup>63I Complaints to employment tribunals

- (1) An employee who makes a section 63D application may present a complaint to an employment tribunal that—
  - (a) the employer has failed to comply with section 63F(4), (5) or (6), or
  - (b) the employer's decision to refuse the application, or part of it, is based on incorrect facts.

This is subject to the following provisions of this section.

- (2) No complaint under this section may be made in respect of a section 63D application which has been disposed of by agreement or withdrawn.
- (3) In the case of a section 63D application that has not been disposed of by agreement or withdrawn, a complaint under this section may only be made if the employer—
  - (a) notifies the employee of a decision to refuse the application (or part of it) on appeal, or
  - (b) commits a breach of regulations under section 63F(4), where the breach is of a description specified by the Secretary of State in regulations.
- (4) No complaint under this section may be made in respect of failure to comply with provision included in regulations under section 63F(4) because of—
  - (a) section 63G(1)(a) or (b), if provision is included in regulations under section 63F(4) by virtue of section 63G(1)(d), or
  - (b) section 63G(1)(c).
- (5) An employment tribunal may not consider a complaint under this section unless the complaint is presented—
  - (a) before the end of the period of three months beginning with the relevant date, or

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*Status: Point in time view as at 05/12/2022.*

*Changes to legislation: Employment Rights Act 1996, Section 63I is up to date with all changes known to be in force on or before 12 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)*

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- (b) within any further period that the tribunal considers reasonable, if the tribunal is satisfied that it was not reasonably practicable for the complaint to be presented before the end of that period of three months.
- (6) The relevant date is—
- (a) in the case of a complaint permitted by subsection (3)(a), the date on which the employee is notified of the decision on the appeal;
  - (b) in the case of a complaint permitted by subsection (3)(b), the date on which the breach was committed.

[<sup>F2</sup>(7) Section 207B (extension of time limits to facilitate conciliation before institution of proceedings) applies to subsection (5)(a).]

#### Textual Amendments

- F1** Pt. 6A inserted (6.4.2010 for certain purposes and otherwise prosp.) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), **ss. 40(2)**, 269(4); S.I. 2010/303, **art. 4**, Sch. 3 (with arts. 8-14) (as amended by S.I. 2010/1151, art. 22)
- F2** S. 63I(7) substituted (31.12.2020) by The Cross-Border Mediation (EU Directive) (EU Exit) Regulations 2019 (S.I. 2019/469), reg. 1(1), **Sch. 1 para. 12(18)** (with reg. 5) (as amended by S.I. 2020/1493, regs. 1(1), 4(5)(6)); 2020 c. 1, Sch. 5 para. 1(1)

**Status:**

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