



# Employment Relations Act 1999

## 1999 CHAPTER 26

### *Miscellaneous*

#### **30 Partnerships at work.**

- (1) The Secretary of State may spend money or provide money to other persons for the purpose of encouraging and helping employers (or their representatives) and employees (or their representatives) to improve the way they work together.
- (2) Money may be provided in such way as the Secretary of State thinks fit (whether as grants or otherwise) and on such terms as he thinks fit (whether as to repayment or otherwise).

#### **31 Employment agencies.**

Schedule 7 shall have effect.

#### **32 Employment rights: employment outside Great Britain.**

- (1) In section 285(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (employment outside Great Britain) for “Chapter II (procedure for handling redundancies)” there shall be substituted “ sections 193 and 194 (duty to notify Secretary of State of certain redundancies) ”.
- (2) After section 287(3) of that Act (offshore employment) there shall be inserted—

“(3A) An Order in Council under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.”.
- (3) Section 196 of the Employment Rights Act 1996 (employment outside Great Britain) shall cease to have effect; and in section 5(1) for “sections 196 and” there shall be substituted “ section ”.
- (4) After section 199(6) of that Act (mariners) there shall be inserted—

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“(7) The provisions mentioned in subsection (8) apply to employment on board a ship registered in the register maintained under section 8 of the Merchant Shipping Act 1995 if and only if—

- (a) the ship’s entry in the register specifies a port in Great Britain as the port to which the vessel is to be treated as belonging,
- (b) under his contract of employment the person employed does not work wholly outside Great Britain, and
- (c) the person employed is ordinarily resident in Great Britain.

(8) The provisions are—

- (a) sections 8 to 10,
- (b) Parts II, III and V,
- (c) Part VI, apart from sections 58 to 60,
- (d) Parts VII and VIII,
- (e) sections 92 and 93, and
- (f) Part X.”

### **33 Unfair dismissal: special and additional awards.**

(1) The following provisions (which require, or relate to, the making of special awards by employment tribunals in unfair dismissal cases) shall cease to have effect—

- (a) sections 117(4)(b), 118(2) and (3) and 125 of the Employment Rights Act 1996 (and the word “or” before section 117(4)(b));
- (b) sections 157 and 158 of the Trade Union and Labour Relations (Consolidation) Act 1992.

(2) In section 117(3)(b) of the Employment Rights Act 1996 (amount of additional award) for “the appropriate amount” there shall be substituted “ an amount not less than twenty-six nor more than fifty-two weeks’ pay ”; and subsections (5) and (6) of section 117 shall cease to have effect.

(3) In section 14 of the Employment Rights (Dispute Resolution) Act 1998—

- (a) subsection (1) shall cease to have effect, and
- (b) in subsection (2) for “that Act” substitute “ the Employment Rights Act 1996 ”.

### **34 Indexation of amounts, &c.**

(1) This section applies to the sums specified in the following provisions—

- (a) section 31(1) of the Employment Rights Act 1996 (guarantee payments: limits);
- (b) section 120(1) of that Act (unfair dismissal: minimum amount of basic award);
- (c) section 124(1) of that Act (unfair dismissal: limit of compensatory award);
- (d) section 186(1)(a) and (b) of that Act (employee’s rights on insolvency of employer: maximum amount payable);
- (e) section 227(1) of that Act (maximum amount of a week’s pay for purposes of certain calculations);
- (f) section 156(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (unfair dismissal: minimum basic award);

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- (g) section 176(6) of that Act (right to membership of trade union: remedies).
- (2) If the retail prices index for September of a year is higher or lower than the index for the previous September, the Secretary of State shall as soon as practicable make an order in relation to each sum mentioned in subsection (1)—
  - (a) increasing each sum, if the new index is higher, or
  - (b) decreasing each sum, if the new index is lower,by the same percentage as the amount of the increase or decrease of the index.
- (3) In making the calculation required by subsection (2) the Secretary of State shall—
  - (a) in the case of the sum mentioned in subsection (1)(a), round the result up to the nearest 10 pence,
  - (b) in the case of the sums mentioned in subsection (1)(b), (c), (f) and (g), round the result up to the nearest £100, and
  - (c) in the case of the sums mentioned in subsection (1)(d) and (e), round the result up to the nearest £10.
- (4) For the sum specified in section 124(1) of the Employment Rights Act 1996 (unfair dismissal: limit of compensatory award) there shall be substituted the sum of £50,000 (subject to subsection (2) above).
- (5) In this section “the retail prices index” means—
  - (a) the general index of retail prices (for all items) published by the Office for National Statistics, or
  - (b) where that index is not published for a month, any substituted index or figures published by that Office.
- (6) An order under this section—
  - (a) shall be made by statutory instrument,
  - (b) may include transitional provision, and
  - (c) shall be laid before Parliament after being made.

### **35 Guarantee payments.**

For section 31(7) of the Employment Rights Act 1996 (guarantee payments: limits) there shall be substituted—

- “(7) The Secretary of State may by order vary—
- (a) the length of the period specified in subsection (2);
  - (b) a limit specified in subsection (3) or (4).”

### **36 Sections 33 to 35: consequential.**

- (1) The following provisions (which confer power to increase sums) shall cease to have effect—
  - (a) sections 120(2), 124(2), 186(2) and 227(2) to (4) of the Employment Rights Act 1996;
  - (b) sections 159 and 176(7) and (8) of the Trade Union and Labour Relations (Consolidation) Act 1992.
- (2) Section 208 of the Employment Rights Act 1996 (review of limits) shall cease to have effect.

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- (3) An increase effected, before section 34 comes into force, by virtue of a provision repealed by this section shall continue to have effect notwithstanding this section (but subject to section 34(2) and (4)).

**37 Compensatory award etc: removal of limit in certain cases.**

- (1) After section 124(1) of the Employment Rights Act 1996 (limit of compensatory award etc) there shall be inserted—

“(1A) Subsection (1) shall not apply to compensation awarded, or a compensatory award made, to a person in a case where he is regarded as unfairly dismissed by virtue of section 100, 103A, 105(3) or 105(6A).”

- (2) Section 127B of that Act (power to specify method of calculation of compensation where dismissal a result of protected disclosure) shall cease to have effect.

**38 Transfer of undertakings.**

- (1) This section applies where regulations under section 2(2) of the European Communities Act 1972 (general implementation of Treaties) make provision for the purpose of implementing, or for a purpose concerning, a Community obligation of the United Kingdom which relates to the treatment of employees on the transfer of an undertaking or business or part of an undertaking or business.
- (2) The Secretary of State may by regulations make the same or similar provision in relation to the treatment of employees in circumstances other than those to which the Community obligation applies (including circumstances in which there is no transfer, or no transfer to which the Community obligation applies).
- (3) Regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**39 Minimum wage: information.**

- (1) Information obtained by a revenue official in the course of carrying out a function of the Commissioners of Inland Revenue may be—

- (a) supplied by the Commissioners of Inland Revenue to the Secretary of State for any purpose relating to the National Minimum Wage Act 1998;
- (b) supplied by the Secretary of State with the authority of the Commissioners of Inland Revenue to any person acting under section 13(1)(b) of that Act;
- (c) supplied by the Secretary of State with the authority of the Commissioners of Inland Revenue to an officer acting for the purposes of any of the agricultural wages legislation.

- (2) In this section—

“revenue official” means an officer of the Commissioners of Inland Revenue appointed under section 4 of the Inland Revenue Regulation Act 1890 (appointment of collectors, officers and other persons), and

“the agricultural wages legislation” has the same meaning as in section 16 of the National Minimum Wage Act 1998 (agricultural wages officers).

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**40 Dismissal of school staff.**

- (1) In paragraph 27(3)(b) of Schedule 16 to the School Standards and Framework Act 1998 (dismissal of staff: representations and appeal) for “for a period of two years or more (within the meaning of the Employment Rights Act 1996)” there shall be substituted “ , within the meaning of the Employment Rights Act 1996, for a period at least as long as the period for the time being specified in section 108(1) of that Act (unfair dismissal: qualifying period) ”.
- (2) In paragraph 24(4)(b) of Schedule 17 to the School Standards and Framework Act 1998 (dismissal of staff: representations and appeal) for “for a period of two years or more (within the meaning of the Employment Rights Act 1996)” there shall be substituted “ , within the meaning of the Employment Rights Act 1996, for a period at least as long as the period for the time being specified in section 108(1) of that Act (unfair dismissal: qualifying period) ”.

**41 National security.**

Schedule 8 shall have effect.

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