
Changes to legislation: There are currently no known outstanding effects for the Employment Relations Act 1999, Cross Heading: Time limit for proceedings. (See end of Document for details)

SCHEDULES

SCHEDULE 2

UNION MEMBERSHIP: DETRIMENT

Time limit for proceedings

- 3 (1) Section 147 shall be amended as follows.
- (2) Before “An” insert “ (1) ”.
- (3) In paragraph (a) of subsection (1) (as created by sub-paragraph (2) above) for the words from “action to which” to “those actions” substitute “ act or failure to which the complaint relates or, where that act or failure is part of a series of similar acts or failures (or both) the last of them ”.
- (4) After subsection (1) (as created by sub-paragraph (2) above) insert—
- “ (2) For the purposes of subsection (1)—
- (a) where an act extends over a period, the reference to the date of the act is a reference to the last day of that period;
- (b) a failure to act shall be treated as done when it was decided on.
- (3) For the purposes of subsection (2), in the absence of evidence establishing the contrary an employer shall be taken to decide on a failure to act—
- (a) when he does an act inconsistent with doing the failed act, or
- (b) if he has done no such inconsistent act, when the period expires within which he might reasonably have been expected to do the failed act if it was to be done.”

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