



# Employment Relations Act 1999

## 1999 CHAPTER 26

### *Miscellaneous*

#### **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);
  - [<sup>F1</sup>(ea) section 145E(3) of the Trade Union and Labour Relations (Consolidation) Act 1992 (unlawful inducements: amount of award);
  - (f) section 156(1) of that Act (unfair dismissal: minimum basic award);]
  - (g) section [<sup>F2</sup>176(6A)] 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), [<sup>F3</sup>(ea),] (f) and (g), round the result up to the nearest £100, and

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*Status: Point in time view as at 31/12/2004. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Employment Relations Act 1999, Section 34. (See end of Document for details)*

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- (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 <sup>M1</sup>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.

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#### Textual Amendments

- F1** S. 34(1)(ea)(f) substituted for s. 34(1)(f) (1.10.2004) by [Employment Relations Act 2004 \(c. 24\)](#), s. 59(3), [Sch. 1 para. 42\(2\)](#); S.I. 2004/2566, art. 3(b) (with art. 6)
- F2** Word in s. 34(1)(g) substituted (31.12.2004) by [Employment Relations Act 2004 \(c. 24\)](#), s. 59(3), [Sch. 1 para. 42\(3\)](#); S.I. 2004/3342, art. 4(b)
- F3** Word in s. 34(3)(b) inserted (1.10.2004) by [Employment Relations Act 2004 \(c. 24\)](#), s. 59(3), [Sch. 1 para. 42\(4\)](#); S.I. 2004/2566, art. 3(b) (with art. 6)

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#### Commencement Information

- I1** S. 34 wholly in force; s. 34 not in force at Royal Assent see s. 45; s. 34(4) in force (25.10.1999) by S.I. 1999/2830, [art. 2\(1\)](#) (with [art. 3](#)); s. 34(1)-(3)(5)(6) in force (17.12.1999) by S.I. 1999/3374, [art. 2\(a\)](#) (with [art. 3](#))

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#### Marginal Citations

- M1** 1996 c. 18.

**Status:**

Point in time view as at 31/12/2004. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Employment Relations Act 1999, Section 34.