
STATUTORY INSTRUMENTS

1976 No. 663

INDUSTRIAL TRIBUNALS

**The Industrial Tribunals Awards (Enforcement
in Case of Death) Regulations 1976**

<i>Made</i>	- - - -	<i>27th April 1976</i>
<i>Laid before Parliament</i>		<i>11th May 1976</i>
<i>Coming into Operation</i>		<i>1st June 1976</i>

The Secretary of State in exercise of the powers conferred on him by paragraph 3(2) of Schedule 12 to the Employment Protection Act 1975 and paragraph 21A(2) of Schedule 4 to the Redundancy Payments Act 1965 and of all other powers enabling him in that behalf hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Industrial Tribunals Awards (Enforcement in case of Death) Regulations 1976 and shall come into operation on 1st June 1976.

Interpretation

2.—(1) The Interpretation Act 1889 shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(2) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

“the 1965 Act” means the Redundancy Payments Act 1965, as amended by the Employment Protection Act 1975;

“the 1975 Act” means the Employment Protection Act 1975;

“employer” includes a successor of an employer or a personal representative of a deceased employer;

“the estate” means the estate of the deceased employee;

“the relevant provisions” means the provisions of the 1965 Act and the 1975 Act (including Schedule 12 thereto) conferring rights on employees, or connected therewith, and so much of the Trade Union and Labour Relations Act 1974, as amended by the 1975 Act and the Trade Unions and Labour Relations (Amendment) Act 1976, as relates to unfair dismissal.

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Application of Regulations

3. Where there is no personal representative of a deceased employee in proceedings arising under any of the relevant provisions in which an industrial tribunal makes any award, the terms of the award and the manner of its enforcement shall be governed by these Regulations.

Terms of the award

4. Where, in proceedings before an industrial tribunal arising under any of the relevant provisions, either—

(a) a person has been appointed under paragraph 3(1) of Schedule 12 to the 1975 Act or paragraph 21A(1) of Schedule 4 to the 1965 Act to institute or continue those proceedings on behalf of the estate; or

(b) an employee who is a party to those proceedings dies before the tribunal's award is made, any award of the tribunal shall be made in favour of the estate.

Enforcement by person appointed

5. Where any person is appointed under paragraph 3(1) of Schedule 12 to the 1975 Act or paragraph 21A(1) of Schedule 4 to the 1965 Act to enforce an award made by an industrial tribunal in favour of the estate, or, as the case may be in favour of an employee who has since died, that person may enforce such award on behalf of the estate without the grant of letters of administration or probate of any will or, in Scotland, confirmation and the receipt of that person shall be a sufficient discharge to the employer for any sum payable to the estate under that award.

Enforcement in other cases

6. Where Regulation 5 above does not apply, any award made in favour of the estate or in favour of an employee who has since died shall be enforceable on behalf of the estate by the person to whom a grant of letters of administration or probate or, in Scotland, confirmation is made in respect of that estate.

Signed by order of the Secretary of State.

27th April 1976

Harold Walker
Minister of State
Department of Employment

EXPLANATORY NOTE

These Regulations, which come into operation on 1st June 1976, enable an industrial tribunal to order any amount under an award relating to redundancy payments or unfair dismissal to be paid by the employer to the person appointed by the tribunal for the benefit of the estate of the deceased employee.

They also enable such person to enforce any such award for the benefit of the estate of the deceased employee without letters of administration or probate of any will or, in Scotland, confirmation.