

*Status: This version of this provision is prospective.*

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## STATUTORY INSTRUMENTS

# 1977 No. 500

## The Safety Representatives and Safety Committees Regulations 1977

PROSPECTIVE

### Provisions as to industrial tribunals

**11.**—(1) A safety representative may, in accordance with the jurisdiction conferred on industrial tribunals by paragraph 16(2) of Schedule 1 to the Trade Union and Labour Relations Act 1974, present a complaint to an industrial tribunal that—

- (a) the employer has failed to permit him to take time off in accordance with Regulation 4(2) of these Regulations; or
- (b) the employer has failed to pay him in accordance with Regulation 4(2) of and the Schedule to these Regulations.

(2) An industrial tribunal shall not consider a complaint under paragraph (1) above unless it is presented within three months of the date when the failure occurred or within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented within the period of three months.

(3) Where an industrial tribunal finds a complaint under paragraph (1)(a) above well-founded the tribunal shall make a declaration to that effect and may make an award of compensation to be paid by the employer to the employee which shall be of such amount as the tribunal considers just and equitable in all the circumstances having regard to the employer's default in failing to permit time off to be taken by the employee and to any loss sustained by the employee which is attributable to the matters complained of.

(4) Where on a complaint under paragraph (1)(b) above an industrial tribunal finds that the employer has failed to pay the employee the whole or part of the amount required to be paid under paragraph (1)(b), the tribunal shall order the employer to pay the employee the amount which it finds due to him.

(5) Paragraph 16 of Schedule 1 to the Trade Union and Labour Relations Act 1974 (jurisdiction of industrial tribunals) shall be modified by adding the following sub-paragraph:—

“(2) An industrial tribunal shall have jurisdiction to determine complaints relating to time off with pay for safety representatives appointed under regulations made under the Health and Safety at Work etc. Act 1974”.

### Commencement Information

**11** [Reg. 11](#) in operation on 1.10.1978, see [reg. 1](#)

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**Changes and effects yet to be applied to :**

- Instrument modified by [S.I. 1992/2051 reg.17](#)
- reg. 11 coming into operation by [S.I. 1977/500 reg. 1](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch.1 added by [S.I. 1999/860 reg.3\(5\)Sch.](#)
- Sch. 1 inserted by [S.I. 1999/860 art. 3\(5\)Sch.](#)
- Sch. 1 revoked by [S.I. 2006/594 Sch. para. 3\(2\)\(c\)](#)
- Sch. 2 Sch. renumbered as Sch. 2 by [S.I. 1999/860 art. 3\(6\)](#)
- reg.2A added by [S.I. 1999/860 reg.3\(3\)](#)
- reg. 2A inserted by [S.I. 1999/860 art. 3\(3\)](#)
- reg. 2A revoked by [S.I. 2006/594 Sch. para. 3\(2\)\(b\)](#)
- reg. 4A(1)(b) words inserted by [S.I. 1997/1840 reg. 21\(1\)](#)
- reg. 4A(1)(b) words substituted by [S.S.I. 2006/457 Sch. 1 para. 1](#)
- reg. 4A(1)(b) words substituted by [S.I. 1999/3242 Sch. 2](#)
- reg. 4A(1)(b) words substituted by [S.I. 2005/1541 art. 41\(1\)](#)
- reg. 4A(1)(c) words inserted by [S.I. 2014/469 Sch. 3 para. 33\(1\)\(a\)](#)
- reg. 4A(1)(d) words inserted by [S.I. 2014/469 Sch. 3 para. 33\(1\)\(b\)](#)
- reg. 5(2A) inserted by [S.I. 2014/469 Sch. 3 para. 34\(3\)](#)
- reg. 11(2A) inserted by [S.I. 2014/431 Sch. para. 8](#)
- reg. 12 inserted by [S.I. 2014/431 Sch. para. 9](#)