
STATUTORY INSTRUMENTS

1988 No. 419

**TERMS AND CONDITIONS OF
EMPLOYMENT INDUSTRIAL TRIBUNALS**

The Employment Protection (Recoupment of
Unemployment Benefit and Supplementary
Benefit) (Amendment) Regulations 1988

<i>Made</i>	- - - -	<i>7th March 1988</i>
<i>Laid before Parliament</i>		<i>21st March 1988</i>
<i>Coming into force</i>	- -	<i>11th April 1988</i>

The Secretary of State, in exercise of the powers conferred on him by sections 132(2) and (3) and section 154(3) of the Employment Protection (Consolidation) Act 1978(1), section 89(1) of the Social Security Act 1986(2), section 114(1) of the Social Security Act 1975(3) and of all other powers enabling him in that behalf, and after reference to the Social Security Advisory Committee in so far as is required by section 10(1) of the Social Security Act 1980(4) and after consultation with the Council on Tribunals in so far as is required by section 10 of the Tribunals and Inquiries Act 1971(5), hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Employment Protection (Recoupment of Unemployment Benefit and Supplementary Benefit) (Amendment) Regulations 1988 and shall come into force on 11th April 1988.

Interpretation

2. In these Regulations, the “principal Regulations” means the Employment Protection (Recoupment of Unemployment Benefit and Supplementary Benefit) Regulations 1977(6).

(1) 1978 c. 44; section 132 was amended by paragraph 13 of Schedule 4 to the Social Security Act 1980 (c. 30) and paragraph 50 of Schedule 10 to the Social Security Act 1986 (c. 50).
(2) 1986 c. 50.
(3) 1975 c. 14.
(4) 1980 c. 30; section 10(1) was amended by paragraph 98(a) of Schedule 10 to the Social Security Act 1986.
(5) 1971 c. 62.
(6) S.I. 1977/674 was amended by S.I. 1980/1608 and 1984/458.

Amendment of principal Regulations

3. Subject to Regulation 4 below the principal Regulations shall be amended as follows:—

(1) for the words “supplementary benefit”, wherever they occur there shall be substituted the words “income support”;

(2) in Regulation 2—

(a) after paragraph (2)(a) there shall be inserted a new sub-paragraph “(aa) “the 1978 Act” means the Employment Protection (Consolidation) Act 1978”;

(b) in paragraph (2)(b) for the words “Trade Union and Labour Relations Act 1974”(7) there shall be substituted the words “1978 Act”;

(c) in paragraph (2)(c) for the words “section 112(8) of the 1975 Act” there shall be substituted the words “section 132(6) of the 1978 Act”;

(d) for paragraph (2)(j) there shall be substituted the following paragraph:—

““Unemployment benefit” and “income support” have the same meaning as in the Social Security Act 1975 and the Social Security Act 1986 respectively and references to “benefit” include income support as the context may require;”;

(e) in paragraph (2)(k) for the words “Supplementary Benefits Act 1976(8) or the Social Security Act 1975” there shall be substituted the words “Social Security Acts 1975 to 1986”;

(f) in paragraph (3) for the words “1975 Act” there shall be substituted the words “1978 Act unless otherwise indicated”.

(3) Regulation 4 of the principal Regulations is hereby revoked.

(4) in Regulation 5(2) for the words “Trade Union and Labour Relations Act 1974 or the 1975 Act” there shall be substituted the words “1975 Act or the 1978 Act”.

(5) in Regulations 11 and 12 for the words “insurance officer” and “benefit officer” there shall be substituted the words “adjudication officer”.

(6) in Regulation 11(2)(a):—

(a) for the words “local tribunal” there shall be substituted the words “Social Security Appeal Tribunal”;

(b) after the words “sections 99 to 104 of the Social Security Act 1975” there shall be inserted “(7)”.

(7) as a footnote to the reference to sections 99 to 104 of the Social Security Act 1975 in Regulation 11(2)(a) there shall be inserted the following:—

(8)“1975 c. 14; so far as is relevant sections 99 to 104 were amended by paragraph 10 of Schedule 1 to the Social Security Act 1980 c. 30 and paragraph 1 of Schedule 8 to the Health and Social Services and Social Security Adjudications Act 1983 c. 41 and paragraphs 5 to 10 of Schedule 5 to the Social Security Act 1986 c. 50.”

(8) in Regulation 12(2):—

(a) for the words “the Supplementary Benefits” there shall be substituted the words “a Social Security”;

(b) for the words “regulation 71 of the Social Security (Adjudication) Regulations 1984”(9) there shall be substituted the words “section 100(1) of the Social Security Act 1975”

(7) 1974 c. 52.

(8) 1976 c. 71.

(7) 1974 c. 52.

(8) 1976 c. 71.

(9) S.I. 1984/451.

(9) for the Schedule there shall be substituted the Schedule to these Regulations.

Transitional provisions

4. Notwithstanding Regulation 3 above the principal Regulations shall continue to have effect for the purpose of the operation of those Regulations in relation to the recoupment of supplementary benefit where awards are made by industrial tribunals after the date these Regulations come into force but in respect of a period before that date.

Signed by order of the Secretary of State.

7th March 1988

Patrick Nicholls
Parliamentary Under Secretary of State,
Department of Employment

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Regulation 3

table relating to monetary awards

Column 1 PAYMENT	Column 2 PROCEEDINGS	Column 3 MATTER TO WHICH PRESCRIBED ELEMENT IS ATTRIBUTABLE
1. Guarantee payments under section 12.	1. Complaint section 17.	under 1. Any amount found to be due to the complainant and ordered to be paid under section 17(3) for a period before the conclusion of the tribunal proceedings.
2. Payments under any collective agreement having regard to which the appropriate Minister has made an exemption order under section 18.	2. Complaint section 18(4).	under 2. Any amount found to be due to the complainant and ordered to be paid under section 17(3) as applied by section 18(4) for a period before the conclusion of the tribunal proceedings.
3. Payments of remuneration in respect of a period of suspension on medical grounds under section 19 and section 64(2).	3. Complaint section 22.	under 3. Any amount found to be due to the complainant and ordered to be paid under section 22(3) for a period before the conclusion of the tribunal proceedings.
4. Payments under an order for reinstatement under section 69(2).	4. Complaint of unfair dismissal under section 67(1).	4. Any amount ordered to be paid under section 69(2)(a) in respect of arrears of pay for a period before the conclusion of the tribunal proceedings.
5. Payments under an order for re-engagement under section 69(4).	5. „	5. Any amount ordered to be paid under section 69(4)(d) in respect of arrears of pay for a period before the conclusion of the tribunal proceedings.
6. Payments under an award of compensation for unfair dismissal in cases falling under section 68(2) (cases where no order for reinstatement or re-engagement has been made).	6. „	6. Any amount ordered to be paid and calculated under section 74 in respect of compensation for loss of wages for a period before the conclusion of the tribunal proceedings.
7. Payments under an award of compensation for unfair dismissal under section 71(2) where reinstatement order not complied with.	7. Proceedings in respect of non-compliance with order.	7. „

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Column 1 PAYMENT	Column 2 PROCEEDINGS	Column 3 MATTER TO WHICH PRESCRIBED ELEMENT IS ATTRIBUTABLE
<p>8. Payments under an award of compensation for unfair dismissal under section 71(2) where re-engagement order not complied with.</p>	<p>8. „</p>	<p>8. „</p>
<p>9. Payments under an interim order for reinstatement under section 77(7).</p>	<p>9. Proceedings on an application for an order for interim relief under section 77(1).</p>	<p>9. Any amount found to be due to the complainant and ordered to be paid in respect of arrears of pay for the period between the date of termination of employment and the conclusion of the tribunal proceedings.</p>
<p>10. Payments under an interim order for re-engagement under section 77(8)(a).</p>	<p>10. „</p>	<p>10. Any amount found to be due to the complainant and ordered to be paid in respect of arrears of pay for the period between the date of termination of employment and the conclusion of the tribunal proceedings.</p>
<p>11. Payments under an order for the continuation of a contract of employment under section 77(8)(b) where employee reasonably refuses re-engagement.</p>	<p>11. „</p>	<p>11. „</p>
<p>12. Payments under an order for the continuation of a contract of employment under section 77(9) where employer fails to attend or is unwilling to reinstate or re-engage.</p>	<p>12. „</p>	<p>12. „</p>
<p>13. Payments under an order for the continuation of a contract of employment under section 79(2) where reinstatement or re-engagement order not complied with.</p>	<p>13. Proceedings in respect of non-compliance with order.</p>	<p>13. Any amount ordered to be paid to the employee by way of compensation under section 79(2)(b) for loss of wages for the period between the date of termination of employment and the conclusion of the tribunal proceedings.</p>
<p>14. Payments under an order for compensation under section 79(3) where order for</p>	<p>14. „</p>	<p>14. Any amount ordered to be paid to the employee by way of compensation under section 79(3)(a) for loss of</p>

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Column 1 PAYMENT	Column 2 PROCEEDINGS	Column 3 MATTER TO WHICH PRESCRIBED ELEMENT IS ATTRIBUTABLE
the continuation of contract of employment not complied with.		wages for the period between the date of termination of employment and the conclusion of the tribunal proceedings.
15. Payments under an order under section 103(3) of the 1975 Act on employer’s default in respect of remuneration due to employee under protective award.	15. Complaint under section 103(1) of the 1975 Act.	15. Any amount ordered to be paid to the employee in respect of so much of the relevant protected period as falls before the date of the conclusion of the tribunal proceedings.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations which come into force on 11th April 1988 amend the Employment Protection (Recoupment of Unemployment Benefit and Supplementary Benefit) Regulations 1977 (“the 1977 Regulations”) so as to enable the Secretary of State to recoup income support from employers out of amounts awarded in certain proceedings before industrial tribunals (i.e. those proceedings listed in the Schedule to the Regulations). The amendments are consequential on the replacement of supplementary benefit by income support on 11th April 1988.

The opportunity has also been taken to update the references in the 1977 Regulations having regard to the Employment Protection (Consolidation) Act 1978. The Regulations also make amendments consequential on the changes of title of “benefit officer”, “insurance officer” and “local tribunal”.