
STATUTORY INSTRUMENTS

2001 No. 21

Employment Rights (Increase of Limits) Order 2001

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Employment Rights (Increase of Limits) Order 2001 and shall come into force on 1st February 2001.

(2) In this Order—

- (a) “the 1992 Act” means the Trade Union and Labour Relations (Consolidation) Act 1992(1);
- (b) “the 1996 Act” means the Employment Rights Act 1996(2).

Revocation

2. Subject to article 4, the Employment Rights (Increase of Limits) Order 1999(3) is revoked.

Increase of limits

3. Subject to article 4, each of the limits referred to in the first and second columns of the Table in the Schedule to this Order is increased by the substitution, in place of the old amount specified in the third column, of the new amount specified in the fourth column.

Transitional provisions

4.—(1) The increases provided for in article 3 have effect in any case where the appropriate date falls on or after 1st February 2001.

(2) In a case where the appropriate date falls before 1st February 2001, the limits having effect in relation to the case immediately before 1st February 2001 continue to apply.

(3) In this article “the appropriate date” means—

- (a) in the case of an application made under section 67 of the 1992 Act (compensation for unjustifiable discipline by a trade union), the date of the determination infringing the applicant’s right;
- (b) in the case of a complaint presented under section 137(2) of the 1992 Act (refusal of employment on grounds related to union membership) or section 138(2) of that Act (refusal of service of employment agency on grounds related to union membership), the date of the conduct to which the complaint relates, as determined under section 139 of that Act;
- (c) in the case of an application made under section 176(2) of the 1992 Act(4) (compensation for exclusion or expulsion from a trade union), the date of the exclusion or expulsion from the union;

(1) 1992 c. 52.

(2) 1996 c. 18.

(3) S.I.1999/3375.

(4) Section 176 was substituted by section 14 of the Trade Union Reform and Employment Rights Act 1993 (c. 19.).

- (d) in the case of a guarantee payment to which an employee is entitled under section 28(1) of the 1996 Act, the day in respect of which the payment is due;
- (e) in the case of a complaint presented under section 111 of the 1996 Act (complaints of unfair dismissal), for the purpose of calculating the basic award or compensatory award under section 118(1) of that Act, the effective date of termination as defined by section 97 of that Act;
- (f) in the case of an award under section 117(1) or (3) of the 1996 Act⁽⁵⁾, where an employer has failed to comply fully with the terms of an order for reinstatement or re-engagement or has failed to reinstate or re-engage the complainant in accordance with such an order, the date by which the order of reinstatement (specified under section 114(2)(c) of that Act) or, as the case may be, re-engagement (specified under section 115(2)(f) of that Act) should have been complied with;
- (g) in the case of entitlement to a redundancy payment by virtue of section 135(1)(a) of the 1996 Act (dismissal by reason of redundancy), the relevant date as defined by section 145 of that Act⁽⁶⁾;
- (h) in the case of entitlement to a redundancy payment by virtue of section 135(1)(b) of the 1996 Act (lay-off or short-time), the relevant date as defined by section 153 of that Act; and
- (i) in the case of entitlement to a payment under section 182 of the 1996 Act (payments by the Secretary of State), the appropriate date as defined by section 185 of that Act.

Alan Johnson,
Parliamentary Under-Secretary of State for
Competitiveness,
Department of Trade and Industry

8th January 2001

⁽⁵⁾ Section 117(3) was amended by the Employment Relations Act 1999, section 33(2).

⁽⁶⁾ Section 145(7) was repealed by the Employment Relations Act 1999, sections 9 and 44; Schedule 4, Part III, paragraphs 5 and 26; and Schedule 9.2.