
STATUTORY INSTRUMENTS

2004 No. 752

The Employment Act 2002 (Dispute Resolution) Regulations 2004

Extension of time limits

15.—(1) Where a complaint is presented to an employment tribunal under a jurisdiction listed in Schedule 3 or 4 and—

- (a) either of the dismissal and disciplinary procedures is the applicable statutory procedure and the circumstances specified in paragraph (2) apply; or
- (b) either of the grievance procedures is the applicable statutory procedure and the circumstances specified in paragraph (3) apply;

the normal time limit for presenting the complaint is extended for a period of three months beginning with the day after the day on which it would otherwise have expired.

(2) The circumstances referred to in paragraph (1)(a) are that the employee presents a complaint to the tribunal after the expiry of the normal time limit for presenting the complaint but had reasonable grounds for believing, when that time limit expired, that a dismissal or disciplinary procedure, whether statutory or otherwise (including an appropriate procedure for the purposes of regulation 5(2)), was being followed in respect of matters that consisted of or included the substance of the tribunal complaint.

(3) The circumstances referred to in paragraph (1)(b) are that the employee presents a complaint to the tribunal—

- (a) within the normal time limit for presenting the complaint but in circumstances in which section 32(2) or (3) of the 2002 Act does not permit him to do so; or
- (b) after the expiry of the normal time limit for presenting the complaint, having complied with paragraph 6 or 9 of Schedule 2 in relation to his grievance within that normal time limit.

(4) For the purposes of paragraph (3) and section 32 of the 2002 Act the following acts shall be treated, in a case to which the specified regulation applies, as constituting compliance with paragraph 6 or 9 of Schedule 2—

- (a) in a case to which regulation 7(1) applies, compliance by the employee with the requirement in regulation 7(2);
- (b) in a case to which regulation 9(1) applies, compliance by the appropriate representative with the requirement in sub-paragraph (a) or (b) of that regulation, whichever is the later; and
- (c) in a case to which regulation 10 applies, the raising of his grievance by the employee in accordance with the procedure referred to in that regulation.

(5) In this regulation “the normal time limit” means—

- (a) subject to sub-paragraph (b), the period within which a complaint under the relevant jurisdiction must be presented if there is to be no need for the tribunal, in order to be entitled to consider it to—
 - (i) exercise any discretion, or

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- (ii) make any determination as to whether it is required to consider the complaint, that the tribunal would have to exercise or make in order to consider a complaint presented outside that period; and
- (b) in relation to claims brought under the Equal Pay Act 1970, the period ending on the date on or before which proceedings must be instituted in accordance with section 2(4) of that Act.