

SCHEDULE 3

Regulation 19

Amendments to Legislation

1. The Employment Tribunals Act 1996 (1) is amended as follows.
 - (a) In section 18(1) (conciliation)(2)—
 - (i) at the end of paragraph (s) omit “or”, and
 - (ii) after paragraph (t) insert—
“, or
(u) under regulation 17 of the Cross-border Railway Services (Working Time) Regulations 2008”.
 - (b) In section 21(1) (appeals from employment tribunals on questions of law)(3)—
 - (i) at the end of paragraph (t) omit “or”, and
 - (ii) after paragraph (u) insert—
“, or
(v) the Cross-border Railway Services (Working Time) Regulations 2008”.
- 2.—(1) The Employment Rights Act 1996(4) is amended as follows.
 - (2) In section 45A(5)(b) (right not to suffer detriment: working time cases) at the end insert—
“(c) the Cross-border Railway Services (Working Time) Regulations 2008”.
 - (3) In section 101A(2)(b) (fairness in dismissal) at the end insert—
“(c) the Cross-border Railway Services (Working Time) Regulations 2008”.
 - (4) In section 104(4)(d) (fairness in dismissal: assertion of statutory right) for “or the Fishing Vessels (Working Time: Sea-fisherman) Regulations 2004” substitute—
“, the Fishing Vessels (Working Time: Sea-fisherman) Regulations 2004 or the Cross-border Railway Services (Working Time) Regulations 2008”.
3. In the Employment Act 2002(5) at the end of each of the following Schedules(6)—
 - (a) Schedule 3 (tribunal jurisdictions to which section 31 applies for adjustment of awards for non-completion of statutory procedure);
 - (b) Schedule 4 (tribunal jurisdictions to which section 32 applies for complaints where the employee must first submit a statement of grievance to employer); and
 - (c) Schedule 5 (tribunal jurisdictions to which section 38 applies in relation to proceedings where the employer has failed to give a statement of employment particulars);there is inserted—

(1) 1996 c.17; section 1(2) of the Employment Rights (Dispute Resolution) Act 1998 (c.8) provides for the Industrial Tribunals Act 1996 to be cited as the Employment Tribunals Act 1996.

(2) Section 18(1) has been amended on a number of occasions to specify additional proceedings and claims to which the section applies.

(3) Section 21(1) has been amended on a number of occasions to specify additional proceedings and claims to which the section applies.

(4) 1996 c.18; section 45A was inserted by regulation 31(1) of the Working Time Regulations 1998, S.I. 1998/1833 (the 1998 Regulations) and amended by the Employment Relations Act 1999 (c. 26), section 18(3) and Schedule 9, Table 3; section 101A was inserted by regulation 32(1) of the 1998 Regulations and section 104(4)(d) was inserted by regulation 32(2) of those Regulations. Those sections were amended by paragraph 3 of Schedule 2 to the Merchant Shipping (Working Time: Inland Waterways) Regulations 2003, S.I. 2003/3049 and by paragraph 2 of the Fishing Vessels (Working Time: Sea-fishermen) regulations 2004 (S.I. 2004/1713).

(5) 2002 c.22.

(6) Schedules 3, 4 and 5 have been amended on a number of occasions to list additional tribunal jurisdictions.

Status: This is the original version (as it was originally made).

“Regulation 17 of the Cross-border Railways Services (Working Time) Regulations 2008 (breach of regulations)”.

4. In regulation 18 of the Working Time Regulations 1998⁽⁷⁾ there is inserted at the end—
 - “(5) Regulation 24 does not apply to workers to whom the Cross-border Railways Services (Working Time) Regulations 2008 apply.”.

(7) [S.I. 1998/1833](#), amended by [S.I. 2003/1684](#); there are other amending instruments but none is relevant