

2010 No. 156

EMPLOYMENT AND TRAINING

The Employee Study and Training (Eligibility, Complaints and Remedies) Regulations 2010

<i>Made</i>	- - - -	<i>25th January 2010</i>
<i>Laid before Parliament</i>		<i>1st February 2010</i>
<i>Coming into force</i>	- -	<i>6th April 2010</i>

The Secretary of State for Business, Innovation and Skills, in exercise of the powers conferred by section 63E(4)(c), 63E(5)(a), 63I(3)(b), 63J(3) of the Employment Rights Act 1996(a), makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as The Employee Study and Training (Eligibility, Complaints and Remedies) Regulations 2010 and come into force on 6th April 2010.

Interpretation

2.—(1) In these Regulations—

“the 1996 Act” means the Employment Rights Act 1996;

“the Procedure Regulations” means The Employee Study and Training (Procedural Requirements) Regulations 2010(b).

Further information which the application must contain

3.—(1) An employee must set out in the section 63D application—

(a) the date on which the employee’s last section 63D application (if any) was submitted to their employer; and

(b) the method by which that application was submitted.

(2) For the purposes of paragraph (1) an employee submits a section 63D application by sending, delivering or otherwise transmitting it to their employer.

Form of the application

4. A section 63D application must—

(a) 1996 c.18; sections 63E, 63I and 63J were inserted by section 40 of the Apprenticeships, Skills, Children and Learning Act 2009 (c.22).

(b) S.I. 2010/155.

- (a) be made in writing; and
- (b) be dated.

Breaches of the Procedure Regulations by the employer entitling an employee to make a complaint to an employment tribunal

5. The breaches of the Procedure Regulations which entitle an employee to make a complaint to an employment tribunal under section 63I of the 1996 Act notwithstanding the fact that the employee's section 63D application has not been disposed of by agreement or withdrawn are—

- (a) failure to hold a meeting in accordance with regulation 4(1) and 10(1) of the Procedure Regulations;
- (b) failure to notify a decision in accordance with regulations 5 or 11 of the Procedure Regulations.

Compensation

6.—(1) The maximum amount of compensation that an employment tribunal may award under section 63J of the 1996 Act where it finds a complaint by an employee under section 63I of the Act well-founded is 8 weeks' pay.

25th January 2010

Kevin Brennan
Minister for Further Education, Skills, Apprenticeships and Consumer Affairs
Department for Business, Innovation and Skills

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations relate to the right to make an application under section 63D of the Employment Rights Act 1996 (“the 1996 Act”) to enable the employee to spend time undertaking study or training.

Regulation 3 makes provision about further information which a section 63D application must contain and regulation 4 imposes requirements as to the form of such applications.

Regulation 5 specifies which breaches of the Employee Study and Training (Procedural Requirements) Regulations 2010 entitle an employee to make a complaint to an employment tribunal notwithstanding the employee’s section 63D application has not been disposed of by agreement or withdrawn.

Regulation 6 provides that the maximum amount of compensation that an employment tribunal may award where it finds a complaint under section 63J of the 1996 Act well-founded is 8 weeks’ pay.

A full impact assessment of the effect that these Regulations will have on the costs of business is available from the Department for Business, Innovation and Skills, 1 Victoria Street, London, SW1H 0ET.

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STATUTORY INSTRUMENTS

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