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STATUTORY INSTRUMENTS

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**2014 No. 431**

**The Employment Tribunals Act 1996 (Application  
of Conciliation Provisions) Order 2014**

**Citation and commencement**

1. This Order may be cited as the Employment Tribunals Act 1996 (Application of Conciliation Provisions) Order 2014 and comes into force on 6th April 2014.

**Amendment to the Employment Tribunals Act 1996**

2. In section 18(1) of the Employment Tribunals Act 1996 for paragraphs (a) to (y) substitute—

“(a) under section 66, 68A, 70C, 87, 137, 138, 145A, 145B, 146, 168, 168A, 169, 170, 174, 189 or 192 of, or paragraph 156 of Schedule A1 to, the Trade Union and Labour Relations (Consolidation) Act 1992(1),

(b) under section 11, 23, 34, 63I, 70, 70A, 80(1), 80H, 93, 111, 163 or 177 of the Employment Rights Act 1996, or under Part 5 or 6 of that Act(2),

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- (1) [1992 c. 52](#). Section 66 was amended by the Trade Union Reform and Employment Rights Act [1993 \(c. 19\)](#), Schedule 8, paragraph 50, and by the Enterprise and Regulatory Reform Act 2013, Schedule 2 paragraphs 1 and 2. Section 68A was inserted by the Trade Union Reform and Employment Rights Act 1993, section 15, and was amended by the Employment Rights Act [1996 \(c. 18\)](#), Schedule 1, paragraph 56(1) and (4), [SI 1998/1529](#), and by the Enterprise and Regulatory Reform Act 2013, Schedule 2, paragraphs 1 and 3. Section 70C was inserted by the Employment Relations Act [1999 \(c. 26\)](#) and was amended by the Enterprise and Regulatory Reform Act 2013, Schedule 2, paragraphs 1 and 4. Section 87 was amended by the Enterprise and Regulatory Reform Act 2013, Schedule 2, paragraphs 1 and 5. Section 138 was amended by the Enterprise and Regulatory Reform Act 2013, Schedule 3, paragraph 1. Sections 145A and 145B were inserted by the Employment Relations Act [2004 \(c. 24\)](#), section 29. Section 146 was amended by the Employment Relations Act 1999, Schedule 2, paragraphs 1 and 2, and by the Employment Relations Act 2004, section 30(1) to (7), section 31(1) to (4), Schedule 1, paragraph 8 and Schedule 2, and is modified by [S.I. 2003/1964](#) and [S.I. 2006/1073](#). Section 168 was amended by [S.I. 1999/1925](#) and [S.I. 2006/246](#). Section 168A was inserted by the Employment Act [2002 \(c. 22\)](#), section 43(1) and (2). [S.I. 2003/1190](#) contains relevant provisions relating to section 168A. Section 169 was amended by the Employment Act 2002, section 43(1) and (3). Section 170 was amended by the Employment Act 2002, section 43(1), (4) and (5). Section 174 was substituted by the Trade Union Reform and Employment Rights Act 1993, section 14, the Employment Relations Act 2004, section 33(1) to (3) and (7), and by the Employment Act [2008 \(c. 24\)](#), section 19(1) and (2). [S.I. 2009/603](#) contains relevant provisions relating to section 174. Section 189 was amended by [S.I. 1995/2587](#), [1999/1925](#), and by the Enterprise and Regulatory Reform Act 2013, Schedule 2, paragraphs 1 and 11. Section 192 was amended by the Enterprise and Regulatory Reform Act 2013, Schedule 2, paragraphs 1 and 12. Schedule A1 was inserted by the Employment Relations Act 1999, Schedule 1.
- (2) [1996 c. 18](#). Section 11 was amended by [S.I. 2011/1133](#) and the Enterprise and Regulatory Reform Act 2013, Schedule 2, paragraphs 15 and 16. Section 23 was amended by the Employment Rights (Dispute Resolution) Act 1998, Schedule 1, paragraph 18, [S.I. 2011/1133](#) and the Enterprise and Regulatory Reform Act 2013, Schedule 2, paragraph 15 and 17. Section 34 was amended by [S.I. 2011/1133](#) and the Enterprise and Regulatory Reform Act 2013, Schedule 2, paragraphs 15 and 18. Section 48 was amended by [S.I. 1998/1833](#), the Public Interest Disclosure Act [1998 \(c. 23\)](#), section 3, the Teaching and Higher Education Act [1998 \(c. 30\)](#), Schedule 3, paragraphs 10 and 11, the Employment Relations Act 1999, Schedule 4, paragraphs 5 and 9, the Tax Credits Act [2002 \(c. 21\)](#), Schedule 1, paragraph 1, the Employment Act 2002, Schedule 7, paragraphs 24 and 27, the Employment Relations Act 2004, section 40(2), the Apprenticeships, Skills, Children and Learning Act [2009 \(c. 22\)](#), Schedule 1, paragraphs 1 and 2, [S.I. 2011/1133](#), the Enterprise and Regulatory Reform Act 2013, section 19(2) and Schedule 2, paragraphs 15 and 19, and the Growth and Infrastructure Act [2013 \(c. 27\)](#) section 31. Section 63I was inserted by the Apprenticeships, Skills, Children and Learning Act 2009, section 40(1) and (2), and amended by [S.I. 2011/1133](#) and the Enterprise and Regulatory Reform Act 2013, Schedule 2, paragraphs 15 and 28. [S.I. 2010/156](#) contains relevant provisions relating to section 63I. Section 70 was amended by [S.I. 2011/1133](#) and the Enterprise and Regulatory Reform Act 2013, Schedule 2, paragraphs 15 and 29. Section 70A was inserted by [S.I. 2011/93](#) and amended by the Enterprise and Regulatory Reform Act 2013, Schedule 2, paragraphs 15 and 30. Section 80 was amended by [S.I. 2011/1133](#) and the Enterprise and Regulatory Reform Act 2013, Schedule 2, paragraphs 15 and 31. Section 80H was amended by [S.I. 2011/1133](#) and the Enterprise and Regulatory Reform Act 2013, Schedule 2, paragraphs 15 and 32. Section 111 was amended by [S.I. 2010/493](#), [2011/1133](#), and the Enterprise and Regulatory Reform Act 2013, Schedule 2, paragraphs 15 and 33. Section 163

- (c) under section 11, 19D(1)(a) or 24 of the National Minimum Wage Act 1998**(3)**,
- (d) under section 56 of the Pensions Act 2008**(4)**,
- (e) under section 120 or 127 of the Equality Act 2010**(5)**,
- (f) under regulation 11 of the Safety Representatives and Safety Committees Regulations 1977**(6)**,
- (g) under article 6 of the Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994**(7)**,
- (h) under article 6 of the Employment Tribunals Extension of Jurisdiction (Scotland) Order 1994**(8)**,
- (i) under paragraph 2 of Schedule 2 to the Health and Safety (Consultation with Employees) Regulations 1996**(9)**,
- (j) under regulation 30 of the Working Time Regulations 1998**(10)**,
- (k) under regulation 27 or 32 of the Transnational Information and Consultation of Employees Regulation 1999**(11)**,
- (l) under regulation 8 of the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000**(12)**,
- (m) under regulation 7 or 9 of the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002**(13)**,
- (n) under regulation 22 of the Merchant Shipping (Hours of Work) Regulations 2002**(14)**,
- (o) under regulation 15 of the Flexible Working (Procedural Requirements) Regulations 2002**(15)**,
- (p) under regulation 18 of the Merchant Shipping (Working Time: Inland Waterways) Regulations 2003**(16)**,
- (q) under regulation 18 of the Civil Aviation (Working Time) Regulations 2004**(17)**,
- (r) under regulation 19 of the Fishing Vessels (Working Time: Sea-fishermen) Regulations 2004**(18)**,
- (s) under regulation 29 or 33 of the Information and Consultation of Employees Regulations 2004**(19)**,

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was amended by the Employment Act 2008, section 7(2). [S.I. 2008/3232](#) contains relevant provisions relating to section 163. Rights were inserted into Part 6 by the Teaching and Higher Education Act 1998, section 33, the Employment Relations Act 1999, Schedule 4, Part 2, paragraph 1, and [S.I. 2010/93](#). Further relevant amendments to Part 6 were made by [S.I. 2011/1133](#) and the Enterprise and Regulatory Reform Act 2013, Schedule 2.

- (3)** [1998 c. 39](#). Section 11 was amended by the Enterprise and Regulatory Reform Act 2013, Schedule 2, paragraphs 36 and 37. Section 19D was inserted by the Employment Act 2008, section 9(1). Section 24 was amended by the Enterprise and Regulatory Reform Act 2013, Schedule 2, paragraphs 36 and 39.
- (4)** [2008 c. 30](#).
- (5)** [2010 c. 15](#). Section 120 was amended by the Crime and Courts Act [2013 \(c. 22\)](#), Schedule 9, Part 3, paragraph 52. Section 127 was amended by the Crime and Courts Act 2013, Schedule 9, Part 3, paragraph 52.
- (6)** [S.I. 1977/500](#).
- (7)** [S.I. 1994/1623](#).
- (8)** [S.I. 1994/1624](#).
- (9)** [S.I. 1996/1513](#).
- (10)** [S.I. 1998/1833](#). Regulation 30 was amended by [S.I. 2001/3256](#), [2002/3128](#), [2003/1684](#), [2004/752](#), [2007/2079](#), and [2011/1133](#).
- (11)** [S.I. 1999/3323](#).
- (12)** [S.I. 2000/1551](#). Regulation 8 was amended by [S.I. 2002/2035](#).
- (13)** [S.I. 2002/2034](#).
- (14)** [S.I. 2002/2125](#). Regulation 22 was inserted by [S.I. 2014/308](#).
- (15)** [S.I. 2002/3207](#).
- (16)** [S.I. 2003/3049](#).
- (17)** [S.I. 2004/756](#).
- (18)** [S.I. 2004/1713](#).
- (19)** [S.I. 2004/3426](#).

- (t) under paragraphs 4 or 8 of the Schedule to the Occupational and Personal Pension Schemes (Consultation by Employers and Miscellaneous Amendment) Regulations 2006(20),
- (u) under regulation 30 or 34 of the European Cooperative Society (Involvement of Employees) Regulations 2006(21),
- (v) under regulation 45 or 51 of the Companies (Cross-Border Mergers) Regulations 2007(22),
- (w) under regulation 17 of the Cross-border Railway Services (Working Time) Regulations 2008(23),
- (x) under regulation 9 of Ecclesiastical Offices (Terms of Service) Regulations 2009(24),
- (y) under regulation 28 or 32 of the European Public Limited-Liability Company (Employee Involvement) (Great Britain) Regulations 2009(25),
- (z) under regulation 18 of the Agency Workers Regulations 2010(26),
- (z1) under regulation 17 of the Employee Study and Training (Procedural Requirements) Regulations 2010(27), or
- (z2) under regulation 5, 6 or 9 of the Employment Relations Act 1999 (Blacklists) Regulations 2010(28).”.

### **Consequential amendments**

3. The amendments in the Schedule to this Order have effect.

18th February 2014

*Jenny Willott*  
Parliamentary Under Secretary of State for  
Employment Relations and Consumer Affairs  
Department for Business, Innovation and Skills

25th February 2014

*Shailesh Vara*  
Parliamentary Under Secretary of State for  
Ministry of justice  
Ministry of Justice

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(20) [S.I. 2006/349](#).

(21) [S.I. 2006/2059](#).

(22) [S.I. 2007/2974](#).

(23) [S.I. 2008/1660](#).

(24) [S.I. 2009/2108](#).

(25) [S.I. 2009/2401](#).

(26) [S.I. 2010/93](#). Regulation 18 was amended by the Enterprise and Regulatory Reform Act 2013, Schedule 13, paragraph 6.

(27) [S.I. 2010/155](#).

(28) [S.I. 2010/493](#).