
STATUTORY INSTRUMENTS

1990 No. 189 (C.6)

EMPLOYMENT

**The Employment Act 1989 (Commencement
and Transitional Provisions) Order 1990**

Made - - - - 7th February 1990

The Secretary of State, in exercise of the powers conferred on him by sections 28(5) and 30(4) of the Employment Act 1989⁽¹⁾ (“the 1989 Act”), hereby makes the following Order:—

Title

1. This Order may be cited as the Employment Act 1989 (Commencement and Transitional Provisions) Order 1990.

Commencement

2.—(1) Except for the provisions mentioned in paragraph (2) below, the 1989 Act shall, so far as not already in force⁽²⁾, come into force on 26th February 1990.

(2) The provisions which are not brought into force by this Order are—

- (a) section 10(1)(b) and Part II of Schedule 3 so far as they repeal section 119A of the Factories Act 1961⁽³⁾;
- (b) paragraph 6 of Schedule 6 and section 29(3) so far as relating thereto; and
- (c) the following repeals in Part III of Schedule 7 and section 29(4) so far as relating thereto:—

| Chapter | Short title | Extent of repeal |
|-------------|---|--|
| 1961 c. 34 | The Factories Act 1961. | Section 119A. |
| 1972 c. 28. | The Employment Medical Advisory Service Act 1972. | Section 5(1). Section 8(1) so far as relating to section 119A of the Factories Act 1961. |
| 1973 c. 50. | The Employment and Training Act 1973. | In Schedule 3, paragraph 6. |

(1) 1989 c. 38.

(2) See section 30(2) and (3) of the Employment Act 1989 (c. 38).

(3) 1961 c. 34.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Transitional provisions

3.—(1) The amendments to Part I of the Employment Protection (Consolidation) Act 1978(4) (“the 1978 Act”) made by section 13(1) to (3) and (5) of the 1989 Act shall not apply in relation to an employee’s employment with an employer if, for the purpose of section 1(1) of the 1978 Act, the beginning of that employment was before 26th February 1990.

(2) The amendment to section 53(2) of the 1978 Act made by section 15(1) of the 1989 Act shall not apply in relation to an employee if the period of continuous employment upon which he is entitled to rely for the purpose of establishing his entitlement to a written statement of reasons for dismissal began before 26th February 1990.

Signed by order of the Secretary of State.

7th February 1990

Patrick Nicholls
Parliamentary Under Secretary of State,
Department of Employment

(4) 1978 c. 44.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 26th February 1990 all the provisions of the Employment Act 1989 (“the 1989 Act”) which were not brought into force earlier by virtue of section 30(2) and (3) of that Act, except for the provisions mentioned in article 2(2) (which relate to duty of factory occupier to give notice of employment of a young person to the local careers office).

Article 3 also contains transitional provisions relating to the coming into force of section 13 (provision of particulars of disciplinary procedures) and section 15 (period of employment necessary to qualify for statement of reasons for dismissal) of the 1989 Act.