
STATUTORY INSTRUMENTS

2018 No. 1378

The Employment Rights (Employment Particulars and Paid Annual Leave) (Amendment) Regulations 2018

PART 2

EMPLOYMENT PARTICULARS

Transitional

9.—(1) Schedule 2 to the Employment Rights Act 1996 (transitional provisions and savings) is amended as follows.

(2) In paragraph 7—

- (a) in the heading, after “Employment particulars” insert “for pre-TURERA employees”;
- (b) in sub-paragraph (2), after “this paragraph” insert “and paragraph 7B”;
- (c) in sub-paragraph (3), in the words before paragraph (a), after “time” insert “before 6 April 2020”.

(3) After paragraph 7 insert—

“Employment particulars for pre-6 April 2020 employees

(1) In this paragraph an “existing employee” means an employee whose employment with his employer began on or after 30th November 1993 and before 6th April 2020.

(2) Subject to paragraph 7B, sections 1 to 7 of this Act apply to an existing employee without the amendments made by regulations 2 to 6 of the Employment Rights (Employment Particulars and Paid Annual Leave) (Amendment) Regulations 2018.

Request for employment particulars by pre-6 April 2020 employee or pre-TURERA employee

(1) Where an existing employee (as defined in paragraph 7A(1)) or a pre-TURERA employee (as defined in paragraph 7(1)) at any time—

- (a) on or after 6 April 2020, and
- (b) either before the end of the employee’s employment or within the period of three months beginning with the day on which the employee’s employment ends,

requests from the employer a statement under section 1 of this Act, the employer shall (subject to section 5 and any other provisions disapplying or having the effect of disapplying sections 1 to 4) be treated as being required by section 1 to give him a written statement under that section not later than 1 month after the request is made and section 4 of this Act shall (subject to that) apply in relation to the employee after he makes the request.

(4) An employer is not required to give an existing employee or a pre-TURERA employee a statement under section 1 pursuant to sub-paragraph (1) on more than one occasion.

(5) Where—

- (a) on or after 6 April 2020 there is in the case of an existing employee or a pre-TURERA employee a change in any of the matters particulars of which would, had they have been

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given a statement of particulars on or after 6 April 2020 under section 1 of this Act (as amended), have been included or referred to in the statement, and

(b) he has not previously requested a statement under sub-paragraph (1), subsection (1) of section 4 of this Act shall be treated (subject to section 5 and any other provision disapplying or having the effect of disapplying section 4) as requiring his employer to give him a written statement containing particulars of the change at the time specified in subsection (3) of section 4; and the other provisions of section 4 apply accordingly.

(6) A reference in this paragraph to section 1 or section 4 is a reference to that section as amended by the Employment Rights (Employment Particulars and Paid Annual Leave) (Amendment) Regulations 2018.”