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STATUTORY INSTRUMENTS

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**1999 No. 2509 (c. 63)**

**TERMS AND CONDITIONS OF EMPLOYMENT**

The Employment Relations Act 1999 (Commencement  
No. 1 and Transitional Provisions) Order 1999

*Made* - - - - *8th September 1999*

The Secretary of State in exercise of the powers conferred on him by section 45 of the Employment Relations Act 1999<sup>(1)</sup> hereby makes the following Order—

**Citation and interpretation**

1.—(1) This Order may be cited as the Employment Relations Act 1999 (Commencement No. 1 and Transitional Provisions) Order 1999.

(2) In this Order “the Act” means the Employment Relations Act 1999.

**Commencement**

2.—(1) The following sections of the Act shall come into force on 9th September 1999:

- (a) section 38 (transfer of undertakings); and
- (b) section 42 (orders and regulations).

3. Section 18(6) of the Act (agreement to exclude dismissal rights: pregnancy and childbirth and assertion of statutory right) shall come into force on 30th September 1999.

**Transitional Provision**

4. Section 18(6) of the Act has effect in respect of an employee’s dismissal where the effective date of termination (within the meaning of section 97 of the Employment Rights Act 1996<sup>(2)</sup>) falls on or after 30th September 1999.

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(1) 1999 c. 26.  
(2) 1996 c. 18.

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**Status:** This is the original version (as it was originally made).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

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8th September 1999

*Alan Johnson,*  
Parliamentary Under Secretary of State for  
Competitiveness,  
Department of Trade and Industry

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force on 9 September 1999 section 38 of the Employment Relations Act 1999 which provides that, where regulations make provision for the purpose of implementing, or for a purpose concerning, a Community obligation relating to the treatment of employees on the transfer of an undertaking, the Secretary of State may make similar provision in relation to the treatment of employees in circumstances other than those to which the Community obligation applies.

The Order also brings into force on 9 September 1999 section 42 of the Employment Relations Act 1999 which makes provision in respect of orders and regulations.

The Order also brings into force on 30 September 1999 section 18(6) of the Employment Relations Act 1999, which provides that section 197(1) of the Employment Rights Act 1996 does not prevent Part X of that Act from applying to a dismissal which is regarded as unfair by virtue of sections 99 to 104 of that Act (pregnancy and childbirth, and assertion of a statutory right). Section 197(1) of that Act provides that Part X does not apply to dismissal from employment under a contract for a fixed term of at least one year, where the dismissal consists only of the expiry of the fixed term and the employee has previously agreed in writing to exclude any claim under that Part. Section 18(6) will apply in respect of fixed term contracts which expire on or after 30 September 1999.

The Order includes a transitional provision in article 4.