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STATUTORY INSTRUMENTS

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**2000 No. 1338 (C. 39)**

**TERMS AND CONDITIONS OF EMPLOYMENT**

The Employment Relations Act 1999 (Commencement  
No. 6 and Transitional Provisions) Order 2000

Made - - - - 16th May 2000

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. 6 and Transitional Provisions) Order 2000.

(2) In this Order—

“the Act” means the Employment Relations Act 1999;

“the 1992 Act” means the Trade Union and Labour Relations (Consolidation) Act 1992<sup>(2)</sup>, and

“the 1996 Act” means the Employment Rights Act 1996<sup>(3)</sup>.

**Commencement**

2. The following provisions of the Act shall come into force on 6th June 2000—

(a) section 1 and Schedule 1 (collective bargaining: recognition);

(b) section 5 (training);

(c) section 6 (unfair dismissal connected with recognition: interim relief);

(d) section 25 (CAC: proceedings).

**Transitional provisions**

3.—(1) In Schedule A1 to the 1992 Act, which is inserted by Schedule 1 to the Act—

(a) paragraphs 156 to 160 (detriment) have effect in relation to an act or failure to act only where the act or failure takes place on or after 6th June 2000; and

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<sup>(1)</sup> 1999 c. 26.

<sup>(2)</sup> 1992 c. 52.

<sup>(3)</sup> 1996 c. 18.

- (b) paragraphs 161 to 162 (dismissal to be regarded as unfair for the purposes of Part X of the 1996 Act) have effect in relation to an employee's dismissal only where the effective date of termination (within the meaning of section 97 of the 1996 Act) falls on or after 6th June 2000.
- (2) For the purposes of paragraph (1)(a)—
  - (a) where an act extends over a period, the reference to the date of the act is a reference to the last day of that period, and
  - (b) a failure to act is to be treated as done when it was decided on.
- (3) For the purposes of paragraph (2)(b) an employer shall be taken, in the absence of evidence establishing the contrary, to decide on a failure to act—
  - (a) when he does an act inconsistent with doing the failed act, or
  - (b) if he has done no such inconsistent act, when the period expires within which he might reasonably have been expected to do the failed act if it was to be done.
- 4. The amendments to Part X of the 1996 Act made by section 6 of the Act have effect in relation to an employee's dismissal only where the effective date of termination (within the meaning of section 97 of the 1996 Act) falls on or after 6th June 2000.

16th May 2000

*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 6th June 2000, sections 1, 5, 6 and 25 of and Schedule 1 to the Employment Relations Act 1999. These provisions amend Parts I and VI of the Trade Union and Labour Relations (Consolidation) Act 1992, insert a new Schedule A1 into that Act, and amend Part X of the Employment Rights Act 1996, in connection with the right of trade unions to be recognised in certain circumstances as entitled to conduct collective bargaining on behalf of workers. Articles 3 and 4 of the Order contain transitional provisions relating to dismissal and detriment.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The following provisions of the Act have been brought into force by commencement order made before the date of this Order.

<i>Provisions</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
Sections 2 and 3	25th October 1999	1999/2830
Sections 7 to 9	15th December 1999	1999/2830
Subsections (1) to (3) of section 13	25th October 1999	1999/2830
Section 16	24th April 2000	2000/875
Subsections (1) to (5) of section 18	25th October 1999	1999/2830
Section 18(6)	30th September 1999	1999/2509
Sections 19 to 23	25th October 1999	1999/2830
Section 24	22nd February 2000	2000/420
Sections 26 to 33	25th October 1999	1999/2830
Section 34(1), (2), (3), (5) and (6)	17th December 1999	1999/3374
Section 34(4)	25th October 1999	1999/2830
Sections 35 and 36(1) (partially)	25th October 1999	1999/2830
Section 36 (to the extent that it was not brought into force on 25th October 1999)	17th December 1999	1999/3374
Section 37	25th October 1999	1999/2830
Section 38	9th September 1999	1999/2509
Sections 39 and 40	25th October 1999	1999/2830

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

<i>Provisions</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
Section 42	9th September 1999	<a href="#">1999/2509</a>
Sections 43 and 44 (partially)	25th October 1999	<a href="#">1999/2830</a>
Section 44 (partially)	17th December 1999	<a href="#">1999/3374</a>
Schedule 2	25th October 1999	<a href="#">1999/2830</a>
Schedule 4	15th December 1999	<a href="#">1999/2830</a>
Schedule 5	24th April 2000	<a href="#">2000/875</a>
Schedules 6, 7 (partially) and 9 (partially)	25th October 1999	<a href="#">1999/2830</a>
Schedule 9 (partially)	17th December 1999	<a href="#">1999/3374</a>