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STATUTORY INSTRUMENTS

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**2000 No. 875 (C. 20)**

**TERMS AND CONDITIONS OF EMPLOYMENT**

The Employment Relations Act 1999 (Commencement  
No. 5 and Transitional Provision) Order 2000

Made - - - - 24th March 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. 5 and Transitional Provision) Order 2000.

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

**Commencement**

2. Section 16 of and Schedule 5 to the Act (unfair dismissal of striking workers) shall come into force on 24th April 2000.

**Transitional provision**

3. The amendments to the Trade Union and Labour Relations (Consolidation) Act 1992<sup>(2)</sup> and the Employment Rights Act 1996<sup>(3)</sup> made by Schedule 5 to the Act shall have effect in relation to protected industrial action taken by an employee only where the employee starts to take the action on or after 24th April 2000.

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

24th March 2000

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(1) 1999 c. 26.  
(2) 1992 c. 52.  
(3) 1996 c. 18.

**Status:** This is the original version (as it was originally made).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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## EXPLANATORY NOTE

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

This Order brings into force, on 24th April 2000, section 16 of and Schedule 5 to the Employment Relations Act 1999. These provisions amend Part V of the Trade Union and Labour Relations (Consolidation) Act 1992, to provide that an employee is regarded as unfairly dismissed for the purposes of Part X of the Employment Rights Act 1996 if dismissed, in certain circumstances, because he or she took part in official industrial action. The provisions also make consequential amendments to section 105 of the Employment Rights Act 1996 (unfair selection for redundancy). Article 3 of the Order provides that the changes apply only to the dismissal of employees who start to take industrial action beginning on or after 24th April 2000.

## 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	25.10.1999	1999/2830
Sections 7 to 9	15.12.1999	1999/2830
Subsections (1) to (3) of section 13	25.10.1999	1999/2830
Subsections (1) to (5) of section 18	25.10.1999	1999/2830
Section 18(6)	30.9.1999	1999/2509
Sections 19 to 23	25.10.1999	1999/2830
Section 24	22.2.2000	2000/420
Sections 26 to 33	25.10.1999	1999/2830
Section 34(1), (2), (3), (5) and (6)	17.12.1999	1999/3374
Section 34(4)	25.10.1999	1999/2830
Sections 35 and 36(1) (partially)	25.10.1999	1999/2830
Section 36 (to the extent that it was not brought into force on 25.10.1999)	17.12.1999	1999/3374
Section 37	25.10.1999	1999/2830
Section 38	9.9.1999	1999/2509

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<i>Provisions</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 39 and 40	25.10.1999	1999/2830
Section 42	9.9.1999	1999/2509
Sections 43 and 44 (partially)	25.10.1999	1999/2830
Section 44 (partially)	17.12.1999	1999/3374
Schedule 2	25.10.1999	1999/2830
Schedule 4	15.12.1999	1999/2830
Schedules 6, 7 (partially) and 9 (partially)	25.10.1999	1999/2830
Schedule 9 (partially)	17.12.1999	1999/3374