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STATUTORY INSTRUMENTS

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**1998 No. 1658 (C.32)**

**EMPLOYMENT TRIBUNALS  
TERMS AND CONDITIONS OF EMPLOYMENT**

The Employment Rights (Dispute Resolution)  
Act 1998 (Commencement No. 1 and  
Transitional and Saving Provisions) Order 1998

Made - - - -

8th July 1998

The Secretary of State, in exercise of the powers conferred on her by section 17(1) and (2) of the Employment Rights (Dispute Resolution) Act 1998(1), hereby makes the following Order:—

**Citation and interpretation**

1.—(1) This order may be cited as the Employment Rights (Dispute Resolution) Act 1998 (Commencement No. 1 and Transitional and Saving Provisions) Order 1998.

(2) In this Order—

“the 1992 Act” means the Trade Union and Labour Relations (Consolidation) Act 1992(2);

“the 1996 Act” means the Employment Rights Act 1996(3);

“the 1998 Act” means the Employment Rights (Dispute Resolution) Act 1998.

**Commencement**

2.—(1) The provisions of the 1998 Act specified in Schedule 1 shall come into force on 1st August 1998.

(2) The provisions of the 1998 Act specified in Schedule 2 shall come into force on 1st October 1998.

(3) The provisions of the 1998 Act specified in Schedule 3 shall come into force on 1st January 1999.

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(1) 1998 c. 8.  
(2) 1992 c. 52.  
(3) 1996 c. 18.

### **Transitional and saving provisions**

3.—(1) The amendments made to the Industrial Tribunals Act 1996<sup>(4)</sup> by section 3(1), (2) and (3) of, and paragraph 12(3) of Schedule 1 to, the 1998 Act shall have effect only in relation to cases in which the date of the hearing of the originating application is first fixed on or after 1st August 1998.

(2) The substitution of section 87 of the 1992 Act, made by section 6 of the 1998 Act, shall have effect only where the date of payment of the emoluments concerned falls on or after 1st August 1998.

(3) Neither the amendment made to the 1996 Act by paragraph 18 of Schedule 1 to the 1998 Act, nor the repeal of section 88 of the 1992 Act in Schedule 2 to the 1998 Act, shall have effect in relation to any complaint where the date of payment of the wages (within the meaning of section 27 of the 1996 Act) concerned falls before 1st August 1998.

(4) The amendments made to the Sex Discrimination Act 1975<sup>(5)</sup>, the Race Relations Act 1976<sup>(6)</sup>, the 1992 Act, the Disability Discrimination Act 1995<sup>(7)</sup> and the 1996 Act by section 8 of the 1998 Act, shall have effect only in respect of arbitration agreements entered into on or after 1st August 1998.

(5) Neither the amendments made to the 1996 Act by section 11 of the 1998 Act, nor the repeals relating to sections 166(2)(a) and 168(1)(a) of the 1996 Act in Schedule 2 to the 1998 Act, shall have effect in respect of dismissals from employment where the relevant date (within the meaning of section 145 of the 1996 Act) falls before 1st October 1998.

(6) The amendments made to the 1996 Act by section 13 of, and paragraphs 19, 20, 21, 23, and 26 of Schedule 1 to, the 1998 Act, shall have effect only in respect of dismissals from employment where the effective date of termination (within the meaning of section 97 of the 1996 Act) falls on or after 1st January 1999.

(7) Neither the amendment made to the 1996 Act by section 14 of the 1998 Act, nor the repeal relating to section 117(6)(a) of the 1996 Act in Schedule 2 to the 1998 Act, shall have effect in respect of dismissals from employment where the effective date of termination (within the meaning of section 97 of the 1996 Act) falls before 1st August 1998.

Signed by order of the Secretary of State

8th July 1998

*Ian McCartney*  
Minister of State,  
Department of Trade and Industry

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(4) [1996 c. 17](#). By virtue of section 1 of the 1998 Act (and Article 2(1) of this Order) this Act may be cited as the Employment Tribunals Act 1996 from 1st August 1998.

(5) [1975 c. 65](#).

(6) [1976 c. 74](#).

(7) [1995 c. 50](#).

## SCHEDULE 1

Article 2(1)

## PROVISIONS COMING INTO FORCE ON 1st AUGUST 1998

<i>Provision</i>	<i>Subject Matter of Provision</i>
Part I of the 1998 Act except section 4	Employment tribunals, hearings and other provisions
Part II of the 1998 Act except section 11	Other methods of dispute resolution: arbitration, compromise agreements and other provisions
Section 14	Acts which are both unfair dismissal and disability discrimination
Section 15, so far as it relates to amendments effected by Schedule 1 specified below and so far as it relates to the repeals specified in relation to Schedule 2 in the table below	Minor and consequential amendments and repeals
Schedule 1 so far as it is not already in force, except for paragraphs 19, 20, 21, 23 and 26	Minor and consequential amendments
In Schedule 2 the repeals specified in the table below	Repeals

**Table**

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
<a href="#">1992 c. 52</a>	The Trade Union and Labour Relations (Consolidation) Act 1992	Section 88.
<a href="#">1993 c. 19</a>	The Trade Union Reform and Employment Rights Act 1993	In Schedule 6, paragraph 4(b) and the word “and” preceding it.
<a href="#">1996 c. 17</a>	The Industrial Tribunals Act 1996	In section 1(2), the words “; and the tribunals” onwards. Section 4(3)(f), apart from the word “and”. In section 5(1)(b), the word “and”. Section 7(3)(f)(i). In section 21(1)(e), the word “or”.
<a href="#">1996 c. 18</a>	The Employment Rights Act 1996	In section 117, in subsection (6)(a), the word “and” and, in subsection (8), the words “(in accordance with sections 118 to 127)”.

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

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
		In section 126(2), the words “two or three”.
		In section 203(2)(f), the words “before an industrial tribunal”.
		In section 219, in subsection (1), the words “, in consequence of action to which subsection (2) applies,” and subsections (2) to (4).
		In Schedule 1, paragraph 56(5).
		In Schedule 2, in Part II, paragraph 18.

## SCHEDULE 2

Article 2(2)

## PROVISIONS COMING INTO FORCE ON 1st OCTOBER 1998

<i>Provision</i>	<i>Subject Matter of Provision</i>
Section 11	Settlement of redundancy cases
Section 15, so far as it relates to the repeals specified in relation to Schedule 2 in the table below	Repeals
In Schedule 2 the repeals specified in the table below	Repeals

**Table**

<i>Chapter</i>	<i>Short title</i>	<i>Extent of Repeal</i>
1996 c. 18	Employment Rights Act 1996	In section 166(2)(a), the word “or”.
		In section 168(1)(a), the word “and”.

## SCHEDULE 3

Article 2(3)

## PROVISIONS COMING INTO FORCE ON 1st JANUARY 1999

<i>Provision</i>	<i>Subject Matter of Provision</i>
Section 13	Internal appeal procedures and unfair dismissal awards

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<i>Provision</i>	<i>Subject Matter of Provision</i>
Section 15, so far as it is not already in force	Minor and consequential amendments
Schedule 1, so far as it is not already in force	Minor and consequential amendments

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### **EXPLANATORY NOTE**

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

This Order brings into force provisions of the Employment Rights (Dispute Resolution) Act 1998:—

- (a) the provisions specified in Schedule 1 to the Order are to come into force on 1st August 1998;
- (b) the provisions specified in Schedule 2 to the Order are to come into force on 1st October 1998;
- (c) the provisions specified in Schedule 3 to the Order are to come into force on 1st January 1999.

Transitional and saving provisions are set out in Article 3.

Sections 16, 17 and 18 of, and paragraph 17(2) of Schedule 1 to, the 1998 Act came into force on Royal Assent. Section 4 will be brought into force by a subsequent Order.