

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, made under powers in sections 31, 32 and 33 of the Employment Act 2002, make provision for the application of the statutory dismissal and disciplinary and grievance procedures set out in Schedule 2 to that Act. In particular they make provision as to:

1. when the standard and modified dismissal procedures apply (regulation 3);
2. when those procedures do not apply (regulation 4);
3. the circumstances in which those procedures are treated as having been complied with (regulation 5);
4. when the standard and modified grievance procedures apply (regulation 6);
5. the circumstances in which those procedures are treated as having been complied with (regulations 7 to 10);
6. general circumstances in which the statutory procedures do not apply or are treated as having been complied with (regulation 11); and
7. the consequences of failing to comply with the statutory procedures (regulations 12 and 13);
8. the extension of the time limit for complaining to an employment tribunal in certain circumstances to allow time for the use of the statutory procedure that applies (regulation 15).

The Regulations also provide that the issuing of a discrimination questionnaire is not to constitute a statement of grievance (regulation 14) and for the situation when complying with the procedures would be contrary to the interests of national security (regulation 16).

Regulation 17 amends certain other subordinate legislation. Regulation 18 contains transitional provisions.

A full Regulatory Impact Assessment of the effect that this instrument will have on the costs of business has been prepared and placed in the library of each House. This document can be obtained from Department of Trade and Industry, Bay UG97, 1 Victoria Street, London SW1H 0ET. It can also be downloaded from <http://www.dti.gov.uk/access/ria/#employ>.