



Employment Relations Act 1999

1999 CHAPTER 26

Other rights of individuals

23 Power to confer rights on individuals.

- (1) This section applies to any right conferred on an individual against an employer (however defined) under or by virtue of any of the following—
 - (a) the ^{M1}Trade Union and Labour Relations (Consolidation) Act 1992;
 - (b) the ^{M2}Employment Rights Act 1996;
 - [^{F1}(ba) the Employment Act 2002;]
 - (c) this Act;
 - (d) any instrument made under section 2(2) of the ^{M3}European Communities Act 1972.
 - (2) The Secretary of State may by order make provision which has the effect of conferring any such right on individuals who are of a specified description.
 - (3) The reference in subsection (2) to individuals includes a reference to individuals expressly excluded from exercising the right.
 - (4) An order under this section may—
 - (a) provide that individuals are to be treated as parties to workers' contracts or contracts of employment;
 - (b) make provision as to who are to be regarded as the employers of individuals;
 - (c) make provision which has the effect of modifying the operation of any right as conferred on individuals by the order;
 - (d) include such consequential, incidental or supplementary provisions as the Secretary of State thinks fit.
 - (5) An order under this section may make provision in such way as the Secretary of State thinks fit^{F2}...^{F3}...
- [^{F4}(5A) The ways in which an order under this section may make provision include, in particular—
- (a) amending any enactment;

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- (b) excluding or applying (whether with or without amendment) any enactment.
- (5B) In subsection (5A) “enactment” includes an enactment comprised in subordinate legislation made under an Act.]
- (6) Section 209(7) of the ^{M4}Employment Rights Act 1996 (which is superseded by this section) shall be omitted.
- (7) Any order made or having effect as if made under section 209(7), so far as effective immediately before the commencement of this section, shall have effect as if made under this section.

Textual Amendments

- F1** S. 23(1)(ba) inserted (6.4.2003) by [Employment Act 2002 \(c. 22\)](#), ss. 53, 55(2), **Sch. 7 para. 54**; S.I. 2002/2866, **art. 2(3)**, **Sch. 1 Pt. 3**
- F2** Words in s. 23(5) repealed (31.12.2004) by [Employment Relations Act 2004 \(c. 24\)](#), ss. 39(2), 59(3), **Sch. 2**; S.I. 2004/3342, **art. 4(a)(c)**
- F3** Words in s. 23(5) omitted (6.4.2003) by virtue of [Employment Act 2002 \(c. 22\)](#), **ss. 41, 55(2)**; S.I. 2002/2866, **art. 2(3)**, **Sch. 1 Pt. 3**
- F4** S. 23(5A)(5B) inserted (31.12.2004) by [Employment Relations Act 2004 \(c. 24\)](#), **ss. 39(3), 59(3)**; S.I. 2004/3342, **art. 4(a)**
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Marginal Citations

- M1** 1992 c. 52.
- M2** 1996 c. 18.
- M3** 1972 c. 68.
- M4** 1996 c. 18.

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