

**1976 No. 144 (C.5)****TERMS AND CONDITIONS OF EMPLOYMENT****The Employment Protection Act 1975 (Commencement No. 2)  
Order 1976**

*Made - - - - 3rd February 1976*

The Secretary of State, in exercise of the powers conferred on him by section 129 of the Employment Protection Act 1975(a) and of all other powers enabling him in that behalf, hereby makes the following Order:—

*Citation*

1. This Order may be cited as the Employment Protection Act 1975 (Commencement No. 2) Order 1976.

*Commencement*

2. The provisions of the Employment Protection Act 1975 specified in the Schedules hereto shall come into operation—

- (a) in the case of the provisions mentioned in Schedule 1, on 8th March 1976; and
- (b) in the case of the provisions mentioned in Schedule 2, on 20th April 1976.

*Transitional provisions and savings*

3.—(1) Sections 99 and 100 shall not apply to any dismissal which, pursuant to a qualifying notice given before the date on which those sections come into operation, is to take effect before the expiry of the period of 90 days beginning with that date.

(2) In determining for the purposes of section 99(3) or section 100(1) whether an employer is proposing to dismiss as redundant 100 or more, or, as the case may be, 10 or more employees, no account shall be taken of employees whose proposed dismissals, pursuant to a qualifying notice given before the date on which those sections come into operation, are to take effect before the expiry of the period of 90 days beginning with that date.

(3) For the purposes of paragraphs (1) and (2) above a qualifying notice is a notice complying with the requirements of section 1(1) of the Contracts of Employment Act 1972(b) (rights of employee to minimum period of notice) and the relevant terms of the contract of employment.

(4) Section 99(3) shall not apply to any dismissal which is to take effect on or after the date on which section 99 comes into operation where consultation with trade union representatives began before that date.

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(a) 1975 c. 71.

(b) 1972 c. 53.

(5) For the purposes of paragraph (4) above consultation shall not be taken to have begun unless the employer has disclosed in writing to the relevant trade union representatives the matters specified in paragraphs (a), (b) and (c) of section 99(5).

(6) In a case falling within paragraph (4) above section 100(1) shall have effect as if the words "at least 90 days" and "at least 60 days" in paragraphs (i) and (ii) respectively were omitted.

3rd February 1976.

*Michael Foot,*

Secretary of State for Employment.

Article 2

SCHEDULE 1

PROVISIONS COMING INTO OPERATION ON 8TH MARCH 1976

Provisions of the Act	Subject matter of provisions
Section 85(1), so far as it relates to the purposes of section 102	Calculation of normal working hours and a week's pay
Section 99 ... ..	Duty of employer to consult trade union representatives on redundancy
Section 100 ... ..	Duty of employer to notify Secretary of State of certain redundancies
Section 101 ... ..	Complaint by trade union and protective award
Section 102 ... ..	Entitlement under protective award
Section 103 ... ..	Complaint by employee to industrial tribunal
Section 104 ... ..	Reduction of rebate on failure to notify redundancies
Section 105 ... ..	Offence and proceedings
Section 106 ... ..	Supplementary
Section 107 ... ..	Power to adapt foregoing provisions in case of collective agreements on redundancies
Section 108 ... ..	General provisions as to industrial tribunals and conciliation officers
Section 110, so far as it relates to sections 99 to 107	Death of employee or employer
Section 113, so far as it relates to remuneration paid under a protective award under section 101	Payments which are to be treated as earnings for social security purposes
Section 117, so far as it relates to any offence under section 105	Offences by bodies corporate
Section 119, so far as it relates to sections 99 and 100	Excluded classes of employment
Section 126(1), so far as it relates to the definition of "business", "dismiss", "dismissal" and "effective date of termination", (5), (6) and (7)	Interpretation
Schedule 4, to the extent mentioned above in relation to section 85	Calculation of normal working hours and a week's pay
Schedule 12, to the extent mentioned above in relation to section 110	Death of employee or employer

## SCHEDULE 2

Article 2

## PROVISIONS COMING INTO OPERATION ON 20TH APRIL 1976

Provisions of the Act	Subject matter of provisions
Section 63(1) and (2)(d) ... ..	Priority of certain debts on insolvency
Section 64, apart from paragraph (d) of subsection (3) and subsection (6)	Employee's rights on insolvency of employer
Section 65 ... ..	Payment of unpaid contributions to occupational pension scheme
Section 66 ... ..	Complaint to industrial tribunal
Section 67 ... ..	Transfer to the Secretary of State of rights and remedies
Section 68 ... ..	Power of Secretary of State to obtain information in connection with applications
Section 69 ... ..	Interpretation of sections 64 to 68
Section 110, so far as it relates to sections 63 to 69	Death of employee or employer
Section 119, so far as it relates to sections 64 and 65	Excluded classes of employment
Section 117, so far as it relates to any offence under section 68	Offences by bodies corporate
Section 125(2), so far as it relates to paragraph 8 of Schedule 17	Transitional provisions in relation to sections 64 and 65
Schedule 12, to the extent mentioned above in relation to section 110	Death of employee or employer
Schedule 17, paragraph 8 ... ..	Transitional provisions in relation to sections 64 and 65

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order brings into operation on 8th March, 1976 the provisions of the Employment Protection Act 1975 specified in Schedule 1. These provisions relate to the procedure for handling redundancies.

The Order also brings into operation on 20th April, 1976 the provisions of the Employment Protection Act 1975 specified in Schedule 2. These provisions relate to the rights of employees on the insolvency of their employer.

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