

## 1985 No. 782

## TERMS AND CONDITIONS OF EMPLOYMENT

**The Unfair Dismissal (Variation of Qualifying Period)  
Order 1985**
*Laid before Parliament in draft*

<i>Made</i>	- - - - -	<i>20th May 1985</i>
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<i>Coming into Operation</i>		<i>1st June 1985</i>
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Whereas a draft of the following Order was laid before Parliament in accordance with section 149(4) of the Employment Protection (Consolidation) Act 1978(a) (“the 1978 Act”) and approved by resolution of each House of Parliament:

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by sections 149(1)(c), 154(3) and 154(4) of the 1978 Act and of all other powers enabling him in that behalf, hereby makes the following Order:—

*Citation, commencement and revocation*

1.—(1) This Order may be cited as the Unfair Dismissal (Variation of Qualifying Period) Order 1985 and shall come into operation on 1st June 1985.

(2) The Unfair Dismissal (Variation of Qualifying Period) Order 1979(b) is revoked.

*Interpretation*

2. In this Order “period of continuous employment” has the same meaning as in section 151 of the 1978 Act save that section 151(5) shall not apply(c).

*Variation of qualifying period and exclusion of operation of extended qualifying period*

3.—(1) Subject to Article 5, section 64(1)(a) of the 1978 Act is varied so that for the reference to “one year” there is substituted a reference to “two years”.

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(a) 1978 c. 44.

(b) S.I. 1979/959; this Order varied the qualifying period in section 64(1)(a) of the 1978 Act from twenty-six weeks to fifty-two weeks. A period of one year was substituted for the period of fifty-two weeks by paragraph 5(1)(a) of Schedule 2 to the Employment Act 1982 (c. 46).

(c) Section 151 was substituted by paragraph 7(1) of Schedule 2 to the Employment Act 1982.

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(2) Subject to Article 5, the operation of section 64A(1) of the 1978 Act is excluded **(a)**.

*Incidental provision*

4. Subject to Article 5, in section 64(2) of the 1978 Act for the reference to the words "one year" appearing in section 64(1)(a) there is substituted a reference to the words "two years".

*Transitional provision*

5. The provisions of Articles 3 and 4 shall not have effect in any case where the period of continuous employment begins before 1st June 1985.

*Peter Bottomley,*  
Joint Parliamentary Under Secretary of State,  
Department of Employment.

20th May 1985.

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EXPLANATORY NOTE

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

This Order, which comes into operation on 1st June 1985, varies the qualifying period for the right to complain to an industrial tribunal of unfair dismissal from one year to two years. The variation will apply to all employees whose period of continuous employment begins on or after 1st June 1985. For employees whose period of continuous employment begins before 1st June 1985 the qualifying period of one year, and the extended qualifying period of two years for those employed by employers who have twenty or fewer employees, will continue to apply.

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**(a)** Section 64A(1) was inserted by section 8(1) of the Employment Act 1980 (c. 42); it provides for an extended qualifying period of two years for employees whose employer has twenty or fewer employees.



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