

**2003 No. 1191**

**TERMS AND CONDITIONS OF EMPLOYMENT**

**The Employment Protection Code of Practice  
(Time Off) Order 2003**

*Made - - - - - 22nd April 2003*

Whereas—

(1) in pursuance of section 201(1) of the Trade Union and Labour Relations (Consolidation) Act 1992(a) (hereinafter referred to as “the Act”) the Advisory, Conciliation and Arbitration Service (“the Service”) issued a revision of the whole of the Code of Practice on time off for trade union duties and activities(b) which came into effect on 14th July 1998;

(2) section 199(1)(c) of the Act provides that the Service may issue Codes of Practice containing such practical guidance as it thinks fit for the purpose of promoting the improvement of industrial relations or for purposes connected with union learning representatives;

(3) section 199(4) of the Act provides that the Service may from time to time revise the whole or any part of a Code of Practice issued by it;

(4) the Service decided to give practical guidance for purposes connected with union learning representatives by including such guidance in a revision of the Code of Practice mentioned in recital (1);

(5) in pursuance of section 200(1) of the Act the Service has accordingly prepared and published a draft of a revised Code of Practice on time off for trade union duties and activities that includes practical guidance for purposes connected with union learning representatives (“the draft code”) and has considered representations made to it about the draft code;

(6) in pursuance of section 200(2) of the Act the Service has transmitted the draft code to the Secretary of State, who has laid it before both Houses of Parliament;

(7) in pursuance of section 200(3)(d) of the Act the draft code has been approved by resolution of each House of Parliament and the Service has issued the revised Code of Practice in the form of the draft;

Now, therefore, the Secretary of State, in exercise of the power conferred on her by section 200(5) of the Act, hereby makes the following Order:

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(a) 1992 c. 52.

(b) The Code of Practice on Time off for Trade Union Duties and Activities was brought into effect by the Employment Protection Code of Practice (Time Off) Order 1998 (S.I. 1998/46) on 5th February 1998. It revised the Code of Practice on Time off for Trade Union Duties and Activities which had been brought into effect by the Employment Protection Code of Practice (Time Off) Order 1991 (S.I. 1996/968) on 13th May 1991. This revision revised the Code of Practice on Time off for Trade Union Duties and Activities which had been brought into effect by the Employment Protection Code of Practice (Time Off) Order 1977 (S.I. 1977/2076) on 1st April 1978.

(c) Section 199(1) was amended by the Employment Act 2002 (c. 22), section 43.

(d) Section 200(3) was substituted by the Employment Act (c. 22), section 43.

### **Citation and commencement**

1. This Order may be cited as the Employment Protection Code of Practice (Time Off) Order 2003 and shall come into force on 27th April 2003.

### **Appointed day for revised Code of Practice**

2. The revised Code of Practice on time off for trade union duties and activities issued by the Service under section 200(3) of the Trade Union and Labour Relations (Consolidation) Act 1992 shall come into effect on 27th April 2003.

Signed by order of the Secretary of State

*Alan Johnson,*  
Minister of State for Employment Relations,  
Industry and the Regions,  
Department of Trade and Industry

22nd April 2003

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### **EXPLANATORY NOTE**

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

This Order appoints 27th April 2003 as the day upon which the revised Code of Practice on time off for trade union duties and activities will come into effect. The Code, which includes guidance on time off for union learning representatives, is being issued by the Advisory, Conciliation and Arbitration Service under section 200(3) and section 199(1) and (4) of the Trade Union and Labour Relations (Consolidation) Act 1992.

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