

2009 No. 3223

TERMS AND CONDITIONS OF EMPLOYMENT

**The Employment Protection Code of Practice (Time Off for
Trade Union Duties and Activities) Order 2009**

Made - - - - *7th December 2009*

Whereas—

(1) under section 199(4) of the Trade Union and Labour Relations (Consolidation) Act 1992(a) (“the 1992 Act”) the Advisory, Conciliation and Arbitration Service (“ACAS”) may from time to time revise the whole or any part of a Code of Practice issued by it;

(2) in pursuance of section 199(4) of the 1992 Act ACAS proposed to revise the whole of the Code of Practice on Time Off for Trade Union Duties and Activities(b) which came into effect on 27th April 2003;

(3) in pursuance of section 200(1) of the 1992 Act ACAS prepared and published in draft a revised Code of Practice on Time Off for Trade Union Duties and Activities (“the draft Code”) and considered any representations made to it about the draft Code, and modified it accordingly;

(4) in pursuance of section 200(2) of the 1992 Act ACAS transmitted the draft Code to the Secretary of State;

(5) in pursuance of section 200(2)(a) of the 1992 Act, the Secretary of State approved the draft Code and laid it before both Houses of Parliament;

(6) in pursuance of section 200(3) of the 1992 Act(c), the draft Code has been approved by resolution of each House of Parliament and ACAS has issued the revised Code of Practice in the form of the draft;

The Secretary of State, in exercise of the power conferred by section 200(5) of the 1992 Act, makes the following Order:

Citation

1. This Order may be cited as the Employment Protection Code of Practice (Time Off for Trade Union Duties and Activities) Order 2009.

Appointed day for the Code of Practice

2. The day appointed by the Secretary of State under section 200(5) of the Trade Union and Labour Relations (Consolidation) Act 1992 for the coming into effect of the Code of Practice on

(a) 1992 c. 52, to which there are amendments not relevant to this Order.
(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 2003 (S.I. 2003/1191) on 27th April 2003.
(c) Section 200(3) was substituted by the Employment Act 2002 (c. 22), section 43(1) and (8).

Time Off for Trade Union Duties and Activities issued by the Advisory, Conciliation and Arbitration Service pursuant to that section is 1st January 2010.

7th December 2009

Lord Young of Norwood Green,
Minister of State for Employment Relations and Postal Affairs,
Department for Business, Innovation and Skills

EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints 1st January 2010 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 of Practice, 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.

The Code of Practice replaces the Code of Practice on Time Off for Trade Union Duties and Activities which came into effect on 27th April 2003.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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