

2024 No. 708

TERMS AND CONDITIONS OF EMPLOYMENT

The Code of Practice (Dismissal and Re-engagement) Order 2024

<i>Made</i> - - - -	<i>24th May 2024</i>
<i>Laid before Parliament</i>	<i>28th May 2024</i>
<i>Coming into force</i> - -	<i>18th July 2024</i>

The Secretary of State makes this Order in exercise of the powers conferred by section 204(3) of the Trade Union and Labour Relations (Consolidation) Act 1992 (“the 1992 Act”)(a).

Under section 203(1)(a) of the 1992 Act, the Secretary of State may issue Codes of Practice containing such practical guidance as the Secretary of State thinks fit for the purpose of promoting the improvement of industrial relations.

Under section 203(1)(a) of the 1992 Act, the Secretary of State proposed to issue a Code of Practice on Dismissal and Re-engagement.

Under section 204(1) of the 1992 Act, the Secretary of State, after consultation with the Advisory, Conciliation and Arbitration Service, prepared and published a draft of the Code of Practice on Dismissal and Re-engagement.

Under section 204(1) of the 1992 Act, the Secretary of State considered representations made to the Secretary of State about the draft of the Code of Practice on Dismissal and Re-engagement and modified the draft accordingly.

Under section 204(2) of the 1992 Act, the Secretary of State laid the draft of the Code of Practice on Dismissal and Re-engagement before both Houses of Parliament, the draft was approved by resolution of each House of Parliament and the Secretary of State is issuing the Code of Practice on Dismissal and Re-engagement in the form of that draft.

Citation, commencement, extent and interpretation

1.—(1) This Order may be cited as the Code of Practice (Dismissal and Re-engagement) Order 2024.

(2) This Order comes into force on 18th July 2024.

(3) This Order extends to England and Wales and Scotland.

(a) 1992 c. 52

(4) For the purposes of article 3 “dismissal and re-engagement” means where employees and/or their representatives do not agree to some or all of the contractual changes proposed by the employer, the employer envisages that it might opt to dismiss in respect of that employee, before either offering to re-engage them, or offering to engage other employees, in substantively the same roles, in order to effect the changes.

Appointed day for the Code of Practice on Dismissal and Re-engagement

2.—(1) The Code of Practice on Dismissal and Re-engagement comes into effect on 18th July 2024.

(2) In paragraph (1) “The Code of Practice on Dismissal and Re-engagement” means the Code of Practice issued by the Secretary of State under sections 203(1)(a) and 204(2) of the Trade Union and Labour Relations (Consolidation) Act 1992 which was laid in draft before both Houses of Parliament on 19th February 2024 and approved by a resolution of the House of Lords on 25th March 2024 and by a resolution of the House of Commons on 17th April 2024.

Transitional provision

3. The Code of Practice on Dismissal and Re-engagement referred to in article 2 does not apply where the prospect of dismissal and re-engagement has been raised by the employer with the employee and/or their representatives before the Code comes into effect on 18th July 2024.

24th May 2024

Kevin Hollinrake
Minister of State
Department for Business and Trade

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into effect, on 18th July 2024, the Code of Practice issued by the Secretary of State under sections 203(1)(a) and 204(2) of the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52) on Dismissal and Re-engagement (“the Code of Practice on Dismissal and Re-engagement”). Article 3 is a transitional provision which provides that the Code of Practice on Dismissal and Re-engagement does not apply where the prospect of dismissal and re-engagement has been raised by the employer with either the employee and/or their representatives before the 18 July 2024.

The Code of Practice on Dismissal and Re-engagement provides practical guidance for the purpose of promoting the improvement of industrial relations, where an employer is considering making changes to one or more of its employees’ contracts of employment; and envisages that if the employee and/or their representative does not agree to some or all of the changes, it might opt for dismissal and re-engagement in respect of that employee. It is available at <https://assets.publishing.service.gov.uk/media/65d35c10423931826ab7b8a0/draft-statutory-code-of-practice-on-dismissal-and-re-engagement.pdf>. A copy may also be inspected by contacting the Department for Business and Trade, Old Admiralty Building, Admiralty Place, London SW1A 2DY.

A full impact assessment has not been prepared for this Order or the Code of Practice on Dismissal and Re-engagement because there is expected to be a low level of impact on business. This low level of impact on business is expected because the Code does not impose any new legal obligations and operates within the current legal framework with which employers are already required to comply.

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