

---

S T A T U T O R Y   I N S T R U M E N T S

---

**1980 No. 1170 (C. 49)**

**TERMS AND CONDITIONS OF EMPLOYMENT**

**The Employment Act 1980 (Commencement No. 1) Order 1980**

*Made - - - - 7th August 1980*

The Secretary of State, in exercise of the powers conferred on him by section 21 of the Employment Act 1980(a) hereby makes the following Order:—

*Citation and interpretation*

1.—(1) This Order may be cited as the Employment Act 1980 (Commencement No. 1) Order 1980.

(2) In this Order:—

“the Act” means the Employment Act 1980;

“the 1975 Act” means the Employment Protection Act 1975(b);

“the 1978 Act” means the Employment Protection (Consolidation) Act 1978(c);

“effective date of termination” has the same meaning as in section 55(4) of the 1978 Act but in a case in which in accordance with section 55(5) of that Act a later date is to be treated as the effective date of termination for certain purposes, means that later date.

*Appointed days*

2.—(1) The provisions of the Act specified in Schedule 1 to this Order shall come into operation on 15th August 1980.

(2) The provisions of the Act specified in Schedule 2 to this Order shall come into operation on 8th September 1980.

(3) Subject to Article 3 below, the provisions of the Act not already in operation by 1st October 1980 shall come into operation on that day.

3. Article 2 above shall not bring into operation section 19(a) of the Act, or section 20(3) of the Act as far as it relates to the repeals of section 1A of the Trade Union and Labour Relations Act 1974(d) and section 2 of the Trade Union and Labour Relations (Amendment) Act 1976(e).

---

(a) 1980 c. 42.  
(e) 1976 c. 7.

(b) 1975 c. 71.

(c) 1978 c. 44.

(d) 1974 c. 52.

*Transitional and supplementary provisions*

4. The transitional and supplementary provisions specified in the second column of Schedule 3 to this Order, which relate to the sections of the Act set opposite them in the first column of that Schedule, shall have effect.

7th August 1980.

*James Prior,*  
Secretary of State for Employment.

## SCHEDULE 1

*Article 2(1)*

## PROVISIONS COMING INTO OPERATION ON 15TH AUGUST 1980

<i>Provisions of the Act</i>	<i>Subject matter of provisions</i>
Section 7 ... ..	Dismissal relating to trade union membership.
Section 19(b) and (c) ... ..	Enactments ceasing to have effect.
Section 20(2) as far as it relates to the following provisions of Schedule 1, namely, paragraphs 1, 2, 5, 6, 12, 14, 20, 21(b) and 24.	Minor and consequential amendments.
Section 20(3) except as far as it relates to:— (a) sections 1A and 13(3) of the Trade Union and Labour Relations Act 1974; (b) section 127(1)(g) of the 1975 Act; (c) section 2 of the Trade Union and Labour Relations (Amendment) Act 1976; (d) sections 23, 25(1), 33(3), 66(1), 73(1)(c) and (8), 135(1) and 154(1) of the 1978 Act.	Repeals.

## Article 2(2)

## SCHEDULE 2

## PROVISIONS COMING INTO OPERATION ON 8TH SEPTEMBER 1980

<i>Provisions of the Act</i>	<i>Subject matter of provisions</i>
Section 4 ... ..	Unreasonable exclusion or expulsion from trade union.
Section 5 ... ..	Compensation.
Section 10 ... ..	Contribution in respect of compensation.
Section 15 ... ..	Action short of dismissal relating to trade union membership and activities.
Section 16 ... ..	Picketing.
Section 17 ... ..	Secondary action.
Section 18 ... ..	Acts to compel trade union membership.
Section 20(2) as far as it relates to the following provisions of Schedule 1, namely, paragraphs 16, 17 (as far as it relates to section 4), 19 (as far as it relates to sections 4 and 5), 26, 28 and 29.	Minor and consequential amendments.
Section 20(3) as far as it relates to section 13(3) of the Trade Union and Labour Relations Act 1974, and sections 23, 25(1) and 135(1) of the 1978 Act.	Repeals.

## Article 4

## SCHEDULE 3

## TRANSITIONAL AND SUPPLEMENTARY PROVISIONS

<i>Provisions of the Act</i>	<i>Transitional and supplementary provisions relating thereto</i>
Sections 6, 9 and 20(3) as far as it repeals section 73(1)(c) and (8) of the 1978 Act.	These provisions shall not apply in any case where the effective date of termination falls before 1st October 1980.
Sections 7 and 20(2) as far as it relates to paragraphs 12 and 14 of Schedule 1.	These provisions shall not apply in any case where the effective date of termination falls before 15th August 1980.

SCHEDULE 3—*continued.*

<i>Provisions of the Act</i>	<i>Transitional and supplementary provisions relating thereto</i>
Section 8 ... ..	The provisions of section 8(1) shall not apply in any case where the period referred to in section 64A(1)(a) of the 1978 Act began before 1st October 1980 and the provisions of section 8(2) shall not apply in relation to a contract for a fixed term entered into before that date.
Section 10 ... ..	The provisions of section 10 shall not enable an employer to require a person who he claims exercised pressure or, as the case may be, a contractor, to be joined, or in Scotland sisted, as a party to proceedings before an industrial tribunal if the pressure, or, as the case may be, the request to the contractor for consent to the employment of the complainant, occurs before 8th September 1980.
Sections 11(1) and (2) and 20(3) as far as it relates to the repeal in section 33(3) of the 1978 Act.	These provisions shall not apply in relation to an employee who has already given information in accordance with section 33(3)(c) of the 1978 Act before 1st October 1980.
Sections 11(3), 12 and 20(2) as far as it relates to paragraph 31 of Schedule 1.	These provisions shall not apply in relation to an employee who has already begun her absence from work wholly or partly because of pregnancy or confinement before 1st October 1980.
Sections 15 and 20(3) as far as it relates to repeals in sections 23 and 25 of the 1978 Act.	These provisions shall not apply in any case where the action short of dismissal is taken before 8th September 1980 and shall not enable an employer to require a person who he claims exercised pressure on him to be joined, or in Scotland sisted, as a party to proceedings before an industrial tribunal if the pressure occurs before that date.
Sections 19(b) and 20(3) as far as it relates to the repeal of sections 11 to 16 of the 1975 Act.	The repeal of sections 11 to 16 of the 1975 Act shall not have effect in relation to any application made by a trade union to the Central Arbitration Committee under section 16(1) of the 1975 Act before 15th August 1980.
Sections 19(c) and 20(3) as far as they relate to the repeals of section 98 of and Schedule 11 to the 1975 Act.	The repeals of section 98 of and Schedule 11 to the 1975 Act shall not have effect in relation to any claim referred by the Advisory, Conciliation and Arbitration Service to the Central Arbitration Committee under the said Schedule before 15th August 1980.

SCHEDULE 3—*continued.*

<i>Provisions of the Act</i>	<i>Transitional and supplementary provisions relating thereto</i>
Sections 19(c) and 20(3) as far as they relate to the repeal of the Road Haulage Wages Act 1938(a).	The repeal of the Road Haulage Wages Act 1938 shall not have effect in relation to any matter referred by the Advisory, Conciliation and Arbitration Service to the Central Arbitration Committee under section 4(4) of that Act before 15th August 1980.

## EXPLANATORY NOTE

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

This Order brings into operation on three appointed days, 15th August 1980, 8th September 1980 and 1st October 1980, all the provisions of the Employment Act 1980 not brought into operation on the passing of the Act, except for the repeal of those provisions of the Trade Union and Labour Relations Act 1974 which provide for the preparation of a charter relating to the freedom of the press. It contains transitional and supplementary provisions.

ISBN 0110071700