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STATUTORY INSTRUMENTS

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**1993 No. 1908**

**The Trade Union Reform and Employment Rights Act 1993  
(Commencement No. 1 and Transitional Provisions) Order 1993**

**Transitional Provisions**

3.—(1) The amendments of the 1992 Act made by section 1 (election scrutineer to check register) and section 2 (counting of election votes etc. by independent person) of the 1993 Act shall apply to any election ballot held on or after 30 August 1993, other than a ballot in relation to which the scrutineer begins to carry out his functions in relation to the ballot before that date.

(2) The amendments of the 1992 Act made by section 3 of and Schedule 1 to the 1993 Act (political fund ballots) shall have effect only in relation to ballots in which votes may only be cast on or after 30 August 1993 and shall not have effect in relation to a ballot in any case in which—

- (a) the approval of the Certification Officer for the union's political ballot rules was sought after 1 January 1993;
- (b) the Certification Officer approved the political ballot rules before 1 July 1993, and
- (c) the voting in the ballot is completed on or before 31 December 1993.

(3) The amendments of the 1992 Act made by sections 4 (ballots for union amalgamations and transfers of engagements) and 5 (ballots for union amalgamations and transfers of engagements: notice not to include influential material) of the 1993 Act shall have effect only in relation to ballots in which votes may only be cast on or after 30 August 1993 and shall not have effect in relation to a ballot in any case in which—

- (a) the Certification Officer approved the instrument of amalgamation or transfer of engagements before 1 July 1993, and
- (b) the voting in the ballot is completed on or before 31 December 1993.

(4) The amendments of the 1992 Act made by section 6 of the 1993 Act (confidentiality of trade unions register of members' names and addresses) shall have effect in relation to—

- (a) any Chapter IV election held on or after 30 August 1993, other than an election in relation to which the scrutineer begins to carry out his functions before that date,
- (b) any Chapter VI ballot in which votes may only be cast on or after 30 August 1993, except a ballot in any case in which—
  - (i) the approval of the Certification Officer for the union's political ballot rules was sought after 1 January 1993;
  - (ii) the Certification Officer approved the political ballot rules before 1 July 1993, and
  - (iii) the voting in the ballot is completed on or before 31 December 1993.
- (c) any Chapter VII ballot in which votes may only be cast on or after 30 August 1993, except a ballot in any case in which—
  - (i) the Certification Officer approved the instrument of amalgamation or transfer of engagements before 1 July 1993, and
  - (ii) the voting in the ballot is completed on or before 31 December 1993.

(5) The amendments of the 1992 Act made by section 13 of the 1993 Act (action short of dismissal: non-infringing actions) shall have effect only in relation to action taken on or after 30 August 1993.

(6) Where a subscription deduction is treated, by virtue of paragraph 2 of Schedule 9 to the 1993 Act, as an authorised deduction for the purposes of the section substituted for section 68 of the 1992 Act by section 15 of the 1993 Act (right not to suffer deduction of unauthorised or excessive subscriptions) the amount of that deduction shall be treated, for the purposes of the substituted section, as not exceeding the permitted amount.

(7) The amendments of the 1992 Act made by section 17 of the 1993 Act (requirement of postal ballot) shall have effect only in relation to ballots in which votes may only be cast on or after 30 August 1993.

(8) The amendments of the 1992 Act made by section 18(2) of the 1993 Act (notice of ballot and sample voting papers for employers) shall have effect only in relation to ballots of which the opening day falls on or after 6 September 1993.

(9) The amendments of the 1992 Act made by sections 19 (ballot result for employers) and 20 (scrutiny of ballot) of the 1993 Act shall have effect only in relation to ballots in which votes may only be cast on or after 30 August 1993.

(a) (10) (a) The amendments of the 1992 Act made by section 21 of the 1993 Act (notice of industrial action for employers) shall have effect in relation to an act by a trade union to induce a person to take part, or continue to take part in industrial action if (in the case of continuous action) the intended date for any of the affected employees to begin to take part in the action, or (in the case of discontinuous action) the first of the dates for any of the affected employees to take part in the action, falls after 6 September 1993.

(b) Where those amendments apply to such an act of inducement to take part, or continue to take part, in industrial action but the amendments made to the 1992 Act by section 19 of the 1993 Act (ballot result for employers) are not in force in relation to the ballot in respect of that industrial action, the appropriate period (as defined in section 234A(4) of the 1992 Act) shall be regarded as beginning—

(i) if the union satisfies the requirement of section 231 (ballot result for members) of the 1992 Act in relation to the ballot on or after 30 August 1993, with the day on which it satisfies that requirement; or

(ii) if the union satisfies that requirement before 30 August 1993, on 30 August 1993.

(11) The amendments of the 1978 Act made by sections 24(2) and (3) (to the extent that they are brought into force by this Order), 28, 29 and 30 of and paragraphs 2 to 10 of Schedule 5 to the 1993 Act shall apply to any dismissal where the effective date of termination (as defined in the 1978 Act) in relation to that dismissal falls on or after 30 August 1993. The amendments of the 1978 Act made by paragraph 1 of Schedule 5 to the 1993 Act shall apply to any detriment to which the employee was subjected on or after 30 August 1993.

(12) The amendments set out in section 34 (redundancy consultation procedures) of the 1993 Act shall not have effect in relation to any dismissal which takes effect within 90 days after section 34 comes into force.