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STATUTORY INSTRUMENTS

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**2000 No. 1338**

**The Employment Relations Act 1999 (Commencement  
No. 6 and Transitional Provisions) Order 2000**

**Transitional provisions**

- 3.—(1) In Schedule A1 to the 1992 Act, which is inserted by Schedule 1 to the Act—
- (a) paragraphs 156 to 160 (detriment) have effect in relation to an act or failure to act only where the act or failure takes place on or after 6th June 2000; and
  - (b) paragraphs 161 to 162 (dismissal to be regarded as unfair for the purposes of Part X of the 1996 Act) have effect in relation to an employee's dismissal only where the effective date of termination (within the meaning of section 97 of the 1996 Act) falls on or after 6th June 2000.
- (2) For the purposes of paragraph (1)(a)—
- (a) where an act extends over a period, the reference to the date of the act is a reference to the last day of that period, and
  - (b) a failure to act is to be treated as done when it was decided on.
- (3) For the purposes of paragraph (2)(b) an employer shall be taken, in the absence of evidence establishing the contrary, to decide on a failure to act—
- (a) when he does an act inconsistent with doing the failed act, or
  - (b) if he has done no such inconsistent act, when the period expires within which he might reasonably have been expected to do the failed act if it was to be done.