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STATUTORY INSTRUMENTS

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**2000 No. 2242 (C. 61)**

**TERMS AND CONDITIONS OF EMPLOYMENT**

The Employment Relations Act 1999 (Commencement  
No. 7 and Transitional Provisions) Order 2000

Made - - - - 17th August 2000

The Secretary of State, in exercise of the powers conferred on him by section 45 of the Employment Relations Act 1999<sup>(1)</sup>, hereby makes the following Order:

**Citation and interpretation**

1.—(1) This Order may be cited as the Employment Relations Act 1999 (Commencement No. 7 and Transitional Provisions) Order 2000.

(2) In this Order—

“the Act” means the Employment Relations Act 1999;

“the 1992 Act” means the Trade Union and Labour Relations (Consolidation) Act 1992<sup>(2)</sup>.

**Commencement**

2.—(1) Sections 10, 11, 12, 14 and 15 of the Act and subsections (4) to (6) of section 13 of the Act (all of which relate to the right to be accompanied) shall come into force on 4th September 2000.

(2) Section 4 of and Schedule 3 to the Act (ballots and notices) shall come into force on 18th September 2000.

**Transitional provisions**

3. Section 10 of the Act does not have effect in relation to a disciplinary or grievance hearing taking place on or after 4th September 2000 if the worker is required or invited to attend the hearing before that date.

4.—(1) The amendments to section 226A of the 1992 Act (made by paragraph 3 of Schedule 3 to the Act) shall apply in relation to a notice given pursuant to that section where a trade union—

(a) takes the steps or any of the steps referred to in the section in relation to the notice mentioned in subsection (1)(a) of the section after 17th September 2000; or

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(1) 1999 c. 26.

(2) 1992 c. 52.

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(b) takes the steps referred to in the section in relation to that notice before 18th September 2000 and reasonably believes that the notice will be received by the employer after 17th September 2000.

(2) The amendments to sections 229, 230 and 246, substitution of section 228, and insertion of sections 228A and 232B of the 1992 Act (made by paragraphs 5, 6, 7 and 9 of Schedule 3 to the Act) have effect in relation to all ballots in respect of which the notice required by section 226A of the 1992 Act is subject to the amendments made to that section by the Act.

(3) Subject to paragraph (4), the amendments to sections 226, 227, 234, 234A and insertion of section 232A of the 1992 Act (made by paragraphs 2, 4, 8, 10 and 11 of Schedule 3 to the Act) have effect only in relation to a ballot where the date of the ballot falls after 17th September 2000.

(4) Section 234A(7B) of the 1992 Act (inserted by paragraph 11 of Schedule 3 to the Act) shall have effect in relation to agreements concluded after 17th September 2000.

*Alan Johnson,*  
Parliamentary Under Secretary of State for  
Competitiveness,  
Department of Trade and Industry

17th August 2000

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force on 4th September 2000 sections 10, 11, 12, 14 and 15 and subsections (4) to (6) of section 13 of the Employment Relations Act 1999 which provide a right to be accompanied in disciplinary and grievance hearings. Article 3 of the Order contains a transitional provision.

The Order also brings into force on 18th September section 4 and Schedule 3 to the Employment Relations Act 1999. These provisions amend Part V of the Trade Union and Labour Relations (Consolidation) Act 1992 which requires trade unions to hold a ballot before organising industrial action. Article 4 of the Order contains transitional provisions.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Act have been brought into force by commencement order made before the date of this Order

<i>Provisions</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1	6th June 2000	2000/1338
Sections 2 and 3	25th October 1999	1999/2830
Section 5 and 6	6th June 2000	2000/1338
Sections 7 to 9	15th December 1999	1999/2830
Subsections (1) to (3) of section 13	25th October 1999	1999/2830
Section 16	24th April 2000	2000/875
Subsections (1) to (5) of section 18	25th October 1999	1999/2830
Section 18(6)	30th September 1999	1999/2509
Section 19 to 23	25th October 1999	1999/2830
Section 24	22nd February 2000	2000/420
Section 25	6th June 2000	2000/1338
Sections 26 to 33	25th October 1999	1999/2830
Section 34(1), (2), (3), (5) and (6)	17th December 1999	1999/3374
Section 34(4)	25th October 1999	1999/2830
Sections 35 and 36(1) (partially)	25th October 1999	1999/2830

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<i>Provisions</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 36 (to the extent that it was not brought into force on 25th October 1999)	17th December 1999	1999/3374
Section 37	25th October 1999	1999/2830
Section 38	9th September 1999	1999/2509
Sections 39 and 40	25th October 1999	1999/2830
Section 42	9th September 1999	1999/2509
Sections 43 and 44 (partially)	25th October 1999	1999/2830
Section 44 (partially)	17th December 1999	1999/3374
Schedule 1	6th June 2000	2000/1338
Schedule 2	25th October 1999	1999/2830
Schedule 4	15th December 1999	1999/2830
Schedule 5	24th April 2000	2000/875
Schedules 6, 7 (partially) and 9 (partially)	25th October 1999	1999/2830
Schedule 9 (partially)	17th December 1999	1999/3374