

2003 No. 1190 (C. 58)

TERMS AND CONDITIONS OF EMPLOYMENT

**The Employment Act 2002 (Commencement No. 4 and
Transitional Provisions) Order 2003**

Made - - - - -

22nd April 2003

The Secretary of State, in exercise of the powers conferred on her by section 55(2) and (3) of the Employment Act 2002^(a) hereby makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Employment Act 2002 (Commencement No. 4 and Transitional Provisions) Order 2003.

(2) In this Order, “the Act” means the Employment Act 2002.

(3) in this Order, “the 1992 Act” means the Trade Union and Labour Relations (Consolidation) Act 1992^(b).

Commencement

2.—(1) The following provisions of the Act shall come into force on 27th April 2003:

section 29(2) and (3);
section 30(3);
section 31(6) and (7);
section 32(7) to (10);
section 33(1) and (2); and
section 43.

(2) Section 53 of the Act (minor and consequential amendments) shall come into force on 27th April 2003, so far as it relates to the following paragraphs of Schedule 7 to the Act—

- (a) paragraphs 19, 20, 21 and 22, and paragraph 18 so far as it relates to those paragraphs;
- (b) paragraph 23 so far as it relates to section 168A of the 1992 Act; and
- (c) paragraph 34, and paragraph 24 so far as it relates to paragraph 34.

Transitional provisions

3. For the purposes of section 168A of the 1992 Act (inserted by section 43 of the Act), the requirements of subsection (3) of the section (notice to employer and training condition) shall be treated as being satisfied in relation to an employee if—

- (a) immediately before 27th April 2003 he has the function of carrying on any or all of the activities mentioned in section 168A(2) in relation to qualifying members of the union and has had that function for a continuous period of six months or more, and

^(a) 2002 c. 22.

^(b) 1992 c. 52.

- (b) he acquired that function by reason of being appointed or elected, in accordance with the rules of the union, to carry it on.

Alan Johnson,
Minister of State for Employment Relations
Industry and the Regions
Department of Trade and Industry

22nd April 2003

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on the 27th April 2003 the provisions of the Employment Act 2003 (2002 c. 22) set out in Article 2.

The provisions in sections 29 to 33 of that Act are the powers for the Secretary of State to make secondary legislation in relation to the dispute resolution procedures contained in that Act and section 43 provides a right for time off for union learning representatives and a right for time off for access to union learning representatives.

Article 3 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>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 53 (partially) and Schedule 7, paragraph 50	31.07.02	2002/1989
Section 50 and Schedule 6, Section 53 (partially) and Schedule 7, paragraphs 8 (partially), 16 and 17	09.09.02	2002/2256
Section 54 and Schedule 8 (partially)		
Sections 17, 18 and 20	24.11.02	2002/2866
Section 48(1)(b) and 2		
Section 53 (partially) and Schedule 7, paragraphs 8 (partially), 12, 24 (partially), 28, 52 and 53		
Chapter 1 of Part 1 of the Act	08.12.02	2002/2866
Schedule 1 to the Act		
Section 53 (partially) and Schedule 7, paragraphs 1, 2 (partially), 3, 7, 8 (partially), 11, 13, 24 (partially), 25, 26, 29 to 31, 33, 35, 48 and 49 (partially)		
Sections 19, 21, 41, 42 and 47	06.04.03	2002/2866
Section 48(1)(a) and (c)		
Section 53 (partially) and Schedule 7, paragraphs 2 (partially), 4 to 6, 8 (partially), 14, 18 (partially), 22, 23(2)(b) and (c), 23(1) (partially), 24 (partially), 27, 41 to 45, 47(1) and (2), 49 (partially) and 54		

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£1.75

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Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.
E0698 5/2003 130698 19585

ISBN 0-11-046068-5



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