

SCHEDULES

SCHEDULE 7

TRANSITIONAL PROVISIONS AND SAVINGS

Employment particulars

2.—(1) In this paragraph “existing employee” means an employee whose employment with his employer has begun before the day on which Article 4 comes into operation (“the appointed day”) (whether or not the provisions of section 4 of the Act of 1965 applied to him before that day).

(2) Subject to the following provisions of this paragraph, the provisions of Articles 43 to 43C of the No. 2 Order shall not apply to any existing employee.

(3) Where an existing employee, at any time—

(a) on or after the appointed day; and

(b) either before the end of his employment or within the period of three months beginning with the day on which his employment ends,

requests from his employer a statement under Article 43 of the No. 2 Order, the employer shall (subject to Article 43D of that Order and any other provision disapplying or having the effect of disapplying Article 43) be treated as being required by Article 43 to give him a written statement under that Article, in accordance with the provisions of the No. 2 Order, not later than two months after the request is made; and Article 43C of that Order shall, subject as aforesaid, apply in relation to the existing employee after he makes the request.

(4) An employer shall not be required to give a statement under Article 43 of the No. 2 Order by virtue of sub-paragraph (3) to an existing employee on more than one occasion by virtue of that sub-paragraph.

(5) Where—

(a) on or after the appointed day there is in the case of any existing employee a change in any of the matters particulars of which would, had he been given a statement of particulars as at that day under Article 43 of the No. 2 Order, have been included or referred to in the statement; and

(b) he has not previously requested a statement under sub-paragraph (3),

paragraphs (1) and (5) of Article 43C of the No. 2 Order shall be treated (subject to Article 43D of that Order and any other provision disapplying or having the effect of disapplying Article 43C) as requiring his employer to give him a written statement containing particulars of the change at the time specified in paragraph (1) of Article 43C; and paragraphs (3) and (6) of that Article shall apply accordingly.

(6) Nothing in any statutory provision providing for the application of Articles 43 to 43C of the No. 2 Order to a person who comes or ceases to come within any of the exceptions from those Articles specified in that Order shall have effect in relation to an existing employee by reason of his coming or ceasing to come within that exception by virtue of Article 4.