

2001 No. 1752

TERMS AND CONDITIONS OF EMPLOYMENT

**The Dismissal Procedures Agreement Designation
(Electrical Contracting Industry) Order 1991 Revocation
Order 2001**

<i>Made</i> - - - - -	<i>3rd May 2001</i>
<i>Laid before Parliament</i>	<i>8th May 2001</i>
<i>Coming into force</i> - -	<i>1st June 2001</i>

Whereas by the Dismissal Procedures Agreement Designation (Electrical Contracting Industry) Order 1991(a) the Secretary of State, acting under the powers conferred on him by sections 65 and 66 of the Employment Protection (Consolidation) Act 1978(b), designated a dismissal procedures agreement entered into between the constituent parties of the Joint Industry Board for the Electrical Contracting Industry;

And whereas the said Order came into force on 1st July 1991 and the designation took effect on that day;

And whereas the Secretary of State is satisfied that the agreement designated by the said Order no longer satisfies all the conditions specified in section 110(3) of the Employment Rights Act 1996(c) and is required by section 110(4) of that Act, if he is so satisfied, to revoke an order designating a dismissal procedures agreement;

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by sections 110(4) and (5) and 236(5) of the Employment Rights Act 1996 hereby makes the following Order—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Dismissal Procedures Agreement Designation (Electrical Contracting Industry) Order 1991 Revocation Order 2001 and shall come into force on 1st June 2001.

(2) In this Order—

“the Agreement” means the dismissal procedures agreement designated by the Dismissal Procedures Agreement Designation (Electrical Contracting Industry) Order 1991, and
“the revocation date” means the date on which the Order comes into force.

Revocation

2. The Dismissal Procedures Agreement Designation (Electrical Contracting Industry) Order 1991 is revoked.

(a) S.I. 1991/1105.

(b) 1978 c. 44. Sections 65 and 66 were re-enacted (as amended) in section 110 of the Employment Rights Act 1996.

(c) 1996 c. 18. Section 110 has been amended in ways that are not relevant to this Order.

Transitional provisions

3. A dismissed employee whose effective date of termination was before the revocation date and who—

- (a) would have been able, but for this Order, to make a complaint to a Regional Joint Industry Board under paragraph 11(1) of the Agreement on or after the revocation date meeting the requirements of paragraph 11(2) of the Agreement (time limit for making complaints), or
- (b) made a complaint under paragraph 11(1) of the Agreement, in accordance with the requirements of paragraph 11(2) of the Agreement, before the revocation date that has not been determined by that date,

shall be entitled to present a complaint under Part X of the Employment Rights Act 1996 as if, for the purpose of section 111(2) of that Act (and only that purpose), the effective date of termination was the revocation date.

4.—(1) An employee—

- (a) who was in employment to which the Agreement applied before the revocation date,
- (b) who has been continuously employed in that employment for a period at the effective date of termination of at least 26 weeks but less than one year, and
- (c) who is entitled to present a complaint under Part X of the Employment Rights Act 1996 by virtue of Article 3 or whose effective date of termination falls on or after the revocation date,

shall be treated, for the purpose of section 108(1) of the 1996 Act^(a) (and only that purpose), as if he has been continuously employed at the effective date of termination for a period of at least one year.

3rd May 2001

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

(a) Section 108(1) was amended by S.I. 1999/1436, Article 3.

EXPLANATORY NOTE

(This note is not part of the Order)

Under section 110(1) of the Employment Rights Act 1996, the Secretary of State may, on application and subject to being satisfied that certain conditions are met, designate dismissal procedures agreements by order. The effect of designation is that the dismissal procedures in the agreement apply in relation to employees within the scope of the agreement in place of the right to complain of unfair dismissal to an employment tribunal contained in the 1996 Act. If the Secretary of State is satisfied that any of the conditions that have to be met in order to designate an agreement are no longer satisfied he is under a duty to revoke the designation.

This Order, which comes into force on 1st June, revokes the order designating the dismissal procedures agreement between the parties to the Joint Industry Board for the Electrical Contracting Industry on the ground that the agreement no longer satisfies all the conditions required for designation. The effect of the Order is that an employee within the industry dismissed after it comes into force who considers his dismissal to have been unfair must complain to an employment tribunal instead of under the procedures in the agreement.

The Order contains transitional provisions.

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