

2013 No. 1956

TERMS AND CONDITIONS OF EMPLOYMENT

The Enterprise and Regulatory Reform Act 2013 (Consequential Amendments) (Employment) Order 2013

<i>Made</i>	- - - -	<i>2nd August 2013</i>
<i>Laid before Parliament</i>		<i>6th August 2013</i>
<i>Coming into force</i>	- -	<i>30th August 2013</i>

The Secretary of State makes the following Order in exercise of the powers conferred by section 99(1) and (2) of the Enterprise and Regulatory Reform Act 2013(a).

Citation and commencement

1. This Order may be cited as the Enterprise and Regulatory Reform Act 2013 (Consequential Amendments) (Employment) Order 2013 and comes into force on 30th August 2013.

Consequential amendments

2. The amendments in the Schedule to this Order have effect.

Jo Swinson

Parliamentary Under Secretary of State for Employment Relations and Consumer Affairs
2nd August 2013

Department for Business, Innovation and Skills

SCHEDULE

Article 2

Consequential Amendments

Employment Protection (Continuity of Employment) Regulations 1996

1. In regulation 2 (application) of the Employment Protection (Continuity of Employment) Regulations 1996(a), in paragraph (d) for “compromise contract” substitute “settlement agreement”.

Working Time Regulations 1998

2. In regulation 35 (restrictions on contracting out) of the Working Time Regulations 1998(b), in paragraphs (2) and (3) for “compromise” (in each place where that word occurs) substitute “settlement”.

Transnational Information and Consultation of Employees Regulations 1999

3. In regulation 41 (restrictions on contracting out) of the Transnational Information and Consultation of Employees Regulations 1999(c)—

(a) in paragraphs (3) and (4) for “compromise” substitute “settlement”;

(b) after paragraph (8) insert—

“(9) In the application of this regulation in relation to Northern Ireland, paragraphs (3) and (4) above shall have effect as if for “settlement agreements” there were substituted “compromise agreements.”.

Merchant Shipping (Working Time: Inland Waterways) Regulations 2003

4. In regulation 19 (restriction on contracting out) of the Merchant Shipping (Working Time: Inland Waterways) Regulations 2003(d), in paragraphs (2) and (3) for “compromise” (in each place where that word occurs) substitute “settlement”.

ACAS Arbitration Scheme (Great Britain) Order 2004

5. In the Schedule (ACAS arbitration scheme) to the ACAS Arbitration Scheme (Great Britain) Order 2004(e), in paragraph 26(iv)(b) for “compromise” substitute “settlement”.

Fishing Vessels (Working Time: Sea-fisherman) Regulations 2004

6. In regulation 20 (restriction on contracting out) of the Fishing Vessels (Working Time: Sea-fisherman) Regulations 2004(f)—

(a) in paragraphs (2) and (3) for “compromise” (in each place where that word occurs) substitute “settlement”;

(b) after paragraph (7) insert—

(a) S.I. 1996/3147.
(b) S.I. 1998/1833.
(c) S.I. 1999/3323.
(d) S.I. 2003/3049.
(e) S.I. 2004/753.
(f) S.I. 2004/1713.

“(8) In the application of this regulation in relation to Northern Ireland, paragraphs (2) and (3) above shall have effect as if for “settlement agreements” (in each place where those words occur) there were substituted “compromise agreements.”.

Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004

7. In the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004(a)—
- (a) in regulation 2 (interpretation), for “compromise” substitute “settlement”;
 - (b) in Schedule 1 (the employment tribunals rules of procedure), in paragraph 8(6) for “compromise” substitute “settlement”.

ACAS (Flexible Working) Arbitration Scheme (Great Britain) Order 2004

8. In the Schedule (ACAS (flexible working) arbitration scheme) to the ACAS (Flexible Working) Arbitration Scheme (Great Britain) Order 2004(b), in paragraph 26(iv)(b) for “compromise” substitute “settlement”.

Information and Consultation of Employees Regulations 2004

9. In regulation 40 (restrictions on contracting out) of the Information and Consultation of Employees Regulations 2004(c), in paragraphs (3) and (4) for “compromise” substitute “settlement”.

Compromise Agreements (Description of Person) Order 2004

10. In the Compromise Agreements (Description of Person) Order 2004(d)—
- (a) in the title of the Order, for “Compromise” substitute “Settlement”;
 - (b) in article 1 (citation, commencement and interpretation), for “Compromise” substitute “Settlement”.

Occupational and Personal Pension Schemes (Consultation by Employers and Miscellaneous Amendment) Regulations 2006

11. In the Schedule (employment rights and protections in connection with consultation) to the Occupational and Personal Pension Schemes (Consultation by Employers and Miscellaneous Amendment) Regulations 2006(e), in paragraphs 12(3) and 13(1) for “compromise” substitute “settlement”.

European Cooperative Society (Involvement of Employees) Regulations 2006

12. In regulation 41 (restrictions on contracting out) of the European Cooperative Society (Involvement of Employees) Regulations 2006(f)—

- (a) in paragraphs (3) and (4) for “compromise” substitute “settlement”;
- (b) after paragraph (9) insert—

“(10) In the application of this regulation in relation to Northern Ireland, paragraphs (3) and (4) above shall have effect as is for “settlement agreements” there were substituted “compromise agreements.”.

(a) S.I. 2004/1861.
(b) S.I. 2004/2333.
(c) S.I. 2004/3426.
(d) S.I. 2004/754.
(e) S.I. 2006/349.
(f) S.I. 2006/2059.

Companies (Cross-Border Mergers) Regulations 2007

13. In regulation 62 (restrictions on contracting out) of the Companies (Cross-Border Mergers) Regulations 2007(a)—

- (a) in paragraphs (3) and (4) for “compromise” substitute “settlement”;
- (b) after paragraph (9) insert—

“(10) In the application of this regulation in relation to Northern Ireland, paragraphs (3) and (4) above shall have effect as if for “settlement agreements” there were substituted “compromise agreements.”.

Cross-Border Railway Services (Working Time) Regulations 2008

14. In regulation 18 (restrictions on contracting out) of the Cross-Border Railway Services (Working Time) Regulations 2008(b), in paragraphs (2) and (3) for “compromise” (in each place where that word occurs) substitute “settlement”.

European Public Limited-Liability Company (Employee Involvement) (Great Britain) Regulations 2009

15. In regulation 39 (restrictions on contracting out) of the European Public Limited-Liability Company (Employee Involvement) (Great Britain) Regulations 2009(c), in paragraphs (3) and (4) for “compromise” substitute “settlement”.

Compromise Agreement (Automatic Enrolment) (Description of Person) Order 2012

16. In the Compromise Agreement (Automatic Enrolment) (Description of Person) Order 2012(d)—

- (a) in title of the Order, for “Compromise” substitute “Settlement”;
- (b) in article 1 (citation, commencement and interpretation), for “Compromise” substitute “Settlement”.

Equality Act 2010 (Qualifying Compromise Contract Specified Person) Order 2012

17. In the Equality Act 2010 (Qualifying Compromise Contract Specified Person) Order 2012(e)—

- (a) in title of the Order, for “Compromise” substitute “Settlement”;
- (b) in article 1 (citation and commencement), for “Compromise Contract” substitute “Settlement Agreement”.

(a) S.I. 2007/2974.
(b) S.I. 2008/1660.
(c) S.I. 2009/2401.
(d) S.I. 2012/212.
(e) S.I. 2010/2192.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments to secondary legislation in consequence of section 23 of the Enterprise and Regulatory Reform Act 2013 (c. 24) (“the Act”). The amendments reflect the renaming of “compromise agreements” and “compromise contracts” as “settlement agreements” and “settlement contracts” by section 23 of the Act. In relation to those instruments which apply to the United Kingdom, the amendments provide that the terms “compromise agreement” and “compromise contract” will continue to apply in relation to Northern Ireland. The amendments are set out in the Schedule to the Order and come into force on 30th August 2013.

A separate Impact Assessment has not been prepared for this Order because it is part of a package of legislative and non-legislative measures relating to the implementation of the Enterprise and Regulatory Reform Act 2013. Please refer to the Resolving Workplace Disputes Impact Assessment published in November 2011 for further details. A copy can be obtained from the Department for Business, 1 Victoria Street, London SW1H 0ET.

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£4.00

UK201308058 08/2013 19585

<http://www.legislation.gov.uk/id/uksi/2013/1956>

ISBN 978-0-11-110268-8



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