
EXPLANATORY NOTE

(This note is not part of the Regulations)

These are the first commencement regulations made under the Small Business, Enterprise and Employment Act 2015 (c.26) (“the Act”). Certain provisions came into force on the passing of the Act.

Regulation 2 commences a number of provisions of the Act that:

- enable the Secretary of State to specify in regulations (subject to affirmative resolution procedure), regulatory functions in respect of which a reviewer of regulators’ complaints and appeals procedures must be appointed;
- enable the Secretary of State to issue guidance to such reviewers;
- enable the Secretary of State to make regulations supplementing the definitions of “small business” and “micro business” in section 33 of the Act;
- enable the Secretary of State to make regulations to prohibit a prescribed NHS employer from discriminating against a job applicant because it appears to the NHS employer that the applicant has made a protected disclosure (within the meaning given by section 43A of the Employment Rights Act 1996);
- render unenforceable exclusivity clauses in zero hours contracts;
- amend provisions regarding penalties for underpayment of national minimum wage; and
- provide for the Secretary of State to make payments for securing entitlements to concessionary coal.

Regulations 3 and 4 bring into force certain provisions in the Act for the purpose of enabling the exercise of delegated powers or the power to prepare and issue statutory guidance.

Regulation 5 brings into force the duty to review regulatory provisions in secondary legislation.

Regulation 6 commences provisions in the Act concerning childcare and childminding, to the extent not already brought into force by regulation 4.