

**Changes to legislation:** There are currently no known outstanding effects for the Trade Union Reform and Employment Rights Act 1993, SCHEDULE 9. (See end of Document for details)

SCHEDULES

SCHEDULE 9

Section 50.

TRANSITIONAL PROVISIONS AND SAVINGS

*General*

- 1
- (1) An order under section 52 of this Act may contain such transitional provisions and savings as appear to the Secretary of State to be appropriate.

(2) Nothing in the following provisions of this Schedule prejudices the generality of subparagraph (1) above.

(3) Nothing in this Schedule prejudices the operation of sections 16 and 17 of the<sup>M1</sup> Interpretation Act 1978 (effect of repeals).

**Subordinate Legislation Made**

- P1
- Sch. 9 para. 1 power partly exercised (27.7.1993); different dates appointed for specified provisions by S.I. 1993/1908, art. 2, **Schs. 1-3** (with transitional provisions in art. 3)

Sch. 9 para. 1 power partly exercised (15.10.1993); different dates appointed for specified provisions by S.I. 1993/2503, art. 2, **Schs. 1-3** (with transitional provisions in art. 3)

Sch. 9 para. 1 power partly exercised (19.5.1994); 10.6.1994 appointed for specified provisions by S.I. 1994/1365, art. 2, **Sch.** (with transitional provisions in art. 3)

**Marginal Citations**

- M1
- 1978 c. 30.

*Deduction of trade union subscriptions*

F12

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**Textual Amendments**

- F1
- Sch. 9 para. 2 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 8**

*Employment particulars*

F23

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**Textual Amendments**

- F2
- Sch. 9 para. 3 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

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### *Transfers of undertakings*

F3 4

#### **Textual Amendments**

- F3** Sch. 9 para. 4 repealed (with application in accordance with reg. 21(1) of the amending S.I.) by [The Transfer of Undertakings \(Protection of Employment\) Regulations 2006 \(S.I. 2006/246\)](#), regs. 1(2), **20(2)** (with reg. 21(6))

### *Wages Councils*

- 5 (1) Notwithstanding the repeal of Part II of the <sup>M2</sup>Wages Act 1986 by section 35 of this Act, the provisions of that Part specified or referred to below shall continue to have effect, on and after the day appointed for the repeal (the appointed day), in accordance with the following provisions.
- (2) Section 16 (effect and enforcement of wages orders under section 14) shall have effect in relation to a failure occurring or continuing on or after the appointed day to pay, with respect to any period ending before that day, an amount equal to or exceeding the statutory minimum remuneration as it has effect in relation to such a failure before the appointed day; and, subject to the following provisions, the other sections of Part II which relate to section 16 shall continue to have effect accordingly.
- (3) Section 19(1) and (4) (obligation to keep records etc) shall have effect on and after the appointed day as if—
- the reference to the provisions of Part II being complied with in relation to the payment of remuneration were a reference to their having been complied with in relation to payments of remuneration made—
    - before the appointed day, or
    - on or after the appointed day with respect to any period ending before that day;
  - the reference to deductions or payments made were references to deductions or payments so made; and
  - in a case where the three-year retention period for records would end after the expiry of the period of six months beginning with the appointed day, the retention period were—
    - that period of six months, or
    - if within that period of six months a court so orders, such longer period as is specified by the court;
- and, subject to the following provisions, the other sections of Part II which relate to section 19 shall continue to have effect accordingly.
- (4) Section 20 (wages inspectors) shall continue to have effect on and after the appointed day for the purposes of this paragraph; but—
- the powers conferred by subsections (3) and (4) shall not be exercisable after the end of the period of six months beginning with the appointed day, and
  - subsection (6) shall not authorise the institution of proceedings by a wages inspector after the end of the period of six months beginning with the appointed day.

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- (5) Paragraph 4 of Schedule 3 shall continue to have effect on and after the appointed day in relation to orders under section 14 made before that day.
- (6) In the operation of any provision of Part II by virtue of this paragraph, references to a wages order applying shall have effect as references to an order under section 14 having applied at any time before the appointed day.

**Marginal Citations**

**M2** 1986 c. 48.

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