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STATUTORY INSTRUMENTS

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**1993 No. 2503 (C.52)**

**TRADE UNIONS  
TERMS AND CONDITIONS OF EMPLOYMENT**

The Trade Union Reform and Employment Rights Act 1993  
(Commencement No. 2 and Transitional Provisions) Order 1993

Made - - - - 15th October 1993

The Secretary of State, in exercise of the powers conferred on him by section 52 of, and paragraph 1 of Schedule 9 to, the Trade Union Reform and Employment Rights Act 1993(1), hereby makes the following Order:—

**Citation and interpretation**

1.—(1) This Order may be cited as the Trade Union Reform and Employment Rights Act 1993 (Commencement No. 2 and Transitional Provisions) Order 1993.

(2) In this Order—

- (i) “the 1978 Act” means the Employment Protection (Consolidation) Act 1978(2), and
- (ii) “the 1993 Act” means the Trade Union Reform and Employment Rights Act 1993.

**Commencement**

2.—(1) The provisions of the 1993 Act which are specified in Schedule 1 to this Order shall come into force forthwith.

(2) The provisions of the 1993 Act which are specified in Schedule 2 to this Order shall come into force on 30th November 1993.

(3) The provisions of the 1993 Act which are specified in Schedule 3 to this Order shall come into force:—

- (a) in relation to England and Scotland, on 1st April 1994, and
- (b) for all other purposes, on 1st April 1995.

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(1) 1993 c. 19.  
(2) 1978 c. 44.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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### **Transitional provisions**

**3.** The amendments of the 1978 Act made by section 36 of the 1993 Act (constitution of industrial tribunals) shall only apply in relation to cases in which the date of the hearing of the originating application is first fixed on or after 30th November 1993.

Signed by order of the Secretary of State.

15th October 1993

*Michael Forsyth*  
Minister of State,  
Department of Employment

## SCHEDULE 1

Article 2(1)

## Provisions coming into force forthwith

| <i>Provision</i>   | <i>Subject matter of Provision</i> |
|--|------------------------------------|
| Section 49(1), so far as it relates to the amendments effected by Schedule 7 specified below             | Miscellaneous amendments           |
| Section 49(2), so far as it relates to the amendments effected by Schedule 8 specified below             | Consequential amendments           |
| Section 51, so far as it relates to the repeal specified in relation to Schedule 10 below                | Repeals                            |
| In Schedule 7, paragraph 7   | Miscellaneous amendments           |
| In Schedule 8, paragraphs 28(b) and (c) and 30   | Consequential amendments           |
| In Schedule 10, the repeal in paragraph 1A(2) (a) of Schedule 9 to the 1978 Act of the words “person or” | Repeals                            |

## SCHEDULE 2

Article 2(2)

## Provisions coming into force on 30th November 1993

| <i>Provision</i>   | <i>Subject matter of Provision</i>                                   |
|--|--|
| Section 26   | Right to employment particulars                                      |
| Section 27   | Entitlement to itemised pay statement                                |
| Section 32   | Right to declaration of invalidity of discriminatory terms and rules |
| Section 36, so far as it is not already in force   | Constitution of industrial tribunals                                 |
| Section 37   | Constitution of Employment Appeal Tribunal                           |
| Section 42   | Restriction of vexatious proceedings                                 |
| Section 45, so far as it relates to the provisions to be substituted as section 10(7) of the Employment and Training Act 1973(3) | Careers services   |
| Section 49(1), so far as it is not already in force, except as provided in relation to Schedule 7 below                          | Miscellaneous amendments   |
| Section 49(2), so far as it relates to the amendments effected by Schedule 8 specified below                                     | Consequential amendments   |
| Section 50, so far as it is not already in force   | Transitional provisions and savings                                  |

(3) 1973 c. 50.

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| <i>Provision</i>   | <i>Subject matter of Provision</i>                         |
|--|--|
| Section 51, so far as it relates to the repeals specified in relation to Schedule 10 in the table below                                      | Repeals  |
| Schedule 4   | Provisions substituted for sections 1 to 6 of the 1978 Act |
| Schedule 7, so far as it is not already in force, except to the extent that paragraphs 3(b), 5 and 6(b) relate to section 60 of the 1978 Act | Miscellaneous amendments                                   |
| In Schedule 8, paragraphs 10, 22, 23, 25(b), and 85  | Consequential amendments                                   |
| Schedule 9, so far as it is not already in force   | Transitional provisions and savings                        |
| In Schedule 10, the repeals specified in the table below   | Repeals  |

TABLE

| <i>Chapter or number</i>   | <i>Short title</i>                             | <i>Extent of repeal</i>   |
|----------------------------|--|---|
| <a href="#">1978 c. 44</a> | Employment Protection (Consolidation) Act 1978 | Section 11(3) and (7).<br><br>In section 128(4) the words “paragraph 1 of”.<br><br>In section 133(1)(c) the words “or claims”.<br><br>In section 138, in subsection (1) the words “(so far as it relates to itemised pay statements)” and in subsection (2) the words “, subject to subsections (3) to (5),”, so far as they relate to subsections (4) and (5).<br><br>In section 139(1), the words “(so far as it relates to itemised pay statements)”.<br><br>In section 146(4) the words “1, 4,”.<br><br>In Schedule 9, paragraph 8. |
| <a href="#">1982 c. 41</a> | Employment Act 1982                            | In Schedule 2, paragraphs 8(1) to (4) and 5(a).   |
| <a href="#">1989 c. 13</a> | Dock Work Act 1989                             | Section 6(2)  |
| <a href="#">1989 c. 38</a> | Employment Act 1989                            | Section 13  |

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| <i>Chapter or number</i> | <i>Short title</i>  | <i>Extent of repeal</i>  |
|--------------------------|---|--|
|                          |   | In Schedule 6, paragraph 18.   |
| 1992 c. 52               | Trade Union and Labour Relations (Consolidation) Act 1992 | In section 277(2) the words “under those sections”.<br><br>In Schedule 2, paragraph 24(3). |

## SCHEDULE 3

Article 2(3)

Provisions coming into force—

- (a) in relation to England and Scotland on 1st April 1994, and
- (b) for all other purposes, on 1st April 1995

| <i>Provision</i>  | <i>Subject matter of Provision</i>   |
|---|--------------------------------------|
| Section 45, so far as it is not already in force  | Careers services                     |
| Section 46  | Careers services, ancillary services |
| Section 49(2), so far as it relates to the amendments effected by Schedule 8 specified below            | Consequential amendments             |
| Section 51, so far as it relates to the repeals specified in relation to Schedule 10 in the table below | Repeals                              |
| In Schedule 8, paragraphs 1, 3, 4, 5, 8, 9, 33 and 34   | Consequential amendments             |
| In Schedule 10, the repeals specified in the table below  | Repeals                              |

## TABLE

| <i>Chapter</i> | <i>Short Title</i>                             | <i>Extent of Repeal</i>   |
|----------------|--|---|
| 1969 c. 32     | Finance Act                                    | In section 58(4) in the Table, the entries relating to a local education authority in England and Wales and an education authority in Scotland. |
| 1970 c. 44     | Chronically Sick and Disabled Persons Act 1970 | Section 13(1)   |
| 1973 c. 50     | Employment and Training Act 1973               | In section 4(3)(e)(ii), the words “a local education authority.”.   |

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| <i>Chapter</i> | <i>Short Title</i>                   | <i>Extent of Repeal</i>  |
|----------------|--------------------------------------|--|
|                |                                      | In section 4(5)(d), the words “a local education authority or” and “by section 8 of this Act or, as the case may be,”. |
| 1980 c. 44     | Education (Scotland) Act 1980        | Section 126 to 128.  |
| 1982 c. 9      | Agricultural Training Board Act 1982 | In section 4(1)(f), the words “or 8”.  |
| 1982 c. 10     | Industrial Training Act 1982         | In section 5(3)(e), the words “or 8”.  |

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force provisions of the Trade Union Reform and Employment Rights Act 1993 as follows—

- (a) the provisions specified in Schedule 1 to the Order, which relate to the making of regulations concerning the rules of procedure before the Employment Appeal Tribunal and industrial tribunals, are to come into force forthwith,
- (b) the provisions specified in Schedule 2 to the Order are to come into force on 30th November 1993, and
- (c) the provisions specified in Schedule 3 to the Order are to come into force in relation to England and Scotland on 1st April 1994 and for all other purposes, on 1st April 1995.

Section 26 of and Schedule 4 to the 1993 Act (brought into force by Schedule 2 to this Order) implement Council Directive [91/533/EEC](#) (OJL 288 18/10/91 Page 32).

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Trade Union Reform and Employment Rights Act 1993 were brought into force by the Trade Union Reform and Employment Rights Act 1993 (Commencement No. 1 and Transitional Provisions) Order 1993 (S.I.1993/1908):

| <i>Provision</i>   | <i>Date of commencement</i> |
|--|-----------------------------|
| Part 1 (except sections 7, 8, 9 and 14) sections 24 (partially), 28, 29, 30, 33, 34, 35, 36 (partially), 38, 39, 40, 41, 43, 44, 47, 48, 49 (partially), 50 (partially) and 51 (partially) and | 30th August 1993            |

| <i>Provision</i>  | <i>Date of commencement</i> |
|---|-----------------------------|
| Schedules 1, 5, 6, 7 (partially), 8 (partially), 9 (partially) and 10 (partially)               |                             |
| Sections 14, 49 (partially) and 51 (partially) and Schedules 8 (partially) and 10 (partially)   | 30th November 1993          |
| Sections 8, 9, 49 (partially) and 51 (partially) and Schedules 8 (partially) and 10 (partially) | 1st January 1994            |
| Sections 7(2) and (3) and 51 (partially) and Schedule 10 (partially)                            | 1st April 1996              |

Section 7(1) will come into force on 1st April 1996 under the provisions of section 7(4).