

Draft Order laid before Parliament under section 236(3) of the Employment Rights Act 1996, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2012 No. 0000

TERMS AND CONDITIONS OF EMPLOYMENT

The Unfair Dismissal and Statement of Reasons for
Dismissal (Variation of Qualifying Period) Order 2012

Made - - - - - ***
Coming into force - - - - - 6th April 2012

A draft of this Order was laid before Parliament in accordance with section 236(3) of the Employment Rights Act 1996(1) and approved by a resolution of each House of Parliament.

Accordingly, the Secretary of State, in exercise of the powers conferred by sections 209(1)(c) and (5) and 236(5) of the Employment Rights Act 1996, makes the following Order:

Citation and commencement

1. This Order may be cited as the Unfair Dismissal and Statement of Reasons for Dismissal (Variation of Qualifying Period) Order 2012 and comes into force on 6th April 2012.

Qualifying period for right to written statement of reasons for dismissal

2. In section 92(3)(2) of the Employment Rights Act 1996 for “one year” substitute “two years”.

Qualifying period for right to claim unfair dismissal

3. In subsections (1) and (2) of section 108(3) of the Employment Rights Act 1996 for “one year” substitute “two years”.

(1) 1996 c. 18. Section 236(3) was amended by the Employment Relations Act 1999 (c. 26), section 9, Schedule 4, Part 3, paragraphs 5 and 42(1) and (3)(c).
(2) Section 92(3) was amended by the Employment Act 2002 (c. 22), section 53, Schedule 7, paragraphs 24 and 31; and the Unfair Dismissal and Statement of Reasons for Dismissal (Variation of Qualifying Period) Order 1999 (S.I. 1999/1436), articles 2 and 5.
(3) Section 108(1) and (2) was amended by the Unfair Dismissal and Statement of Reasons for Dismissal (Variation of Qualifying Period) Order 1999 (S.I. 1999/1436), articles 3 to 5.

Transitional provision

4. Articles 2, 3 and 5 do not have effect in any case where the period of continuous employment(4) begins before 6th April 2012.

Revocation

5. The Unfair Dismissal and Statement of Reasons for Dismissal (Variation of Qualifying Period) Order 1999(5) is revoked.

Date

Name
Minister for Employment Relations, Consumer
and Postal Affairs
Department for Business, Innovation and Skills

(4) Defined in section 211 of the Employment Rights Act 1996. Section 211 was amended by the Employment Equality (Age) Regulations 2006 (S.I. 2006/1031), regulation 49(1), Schedule 8, Part 1, paragraphs 21, 35(1), (2) and (3).
(5) S.I. 1999/1436.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order increases from one year to two years the qualifying period of continuous employment needed:

- (a) for the entitlement, on request, to a written statement of reasons for dismissal (*article 2*), and
- (b) to acquire the right not to be unfairly dismissed (*article 3*).

The Order contains a transitional provision having the effect that the new qualifying periods will not apply to those employees whose period of continuous employment begins before 6th April 2012.

A full regulatory impact assessment is available and a copy can be obtained from the Department for Business, Innovation and Skills, Labour Market Directorate, 1 Victoria Street, London, SW1H 0ET. Copies have also been placed in the libraries of both Houses of Parliament.